

EXHIBIT A

EXHIBIT D

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NORTH CAROLINA GENERAL ASSEMBLY
NORTH CAROLINA HOUSE OF REPRESENTATIVES

TRANSCRIPT OF THE PROCEEDINGS
FLOOR SESSION, DEBATE ON HOUSE BILL 2

In Raleigh, North Carolina
Wednesday, March 23, 2016
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<p style="text-align: right;">2</p> <p>1 (Beginning of audio.)</p> <p>2 SPEAKER MOORE: Representatives</p> <p>3 Blackwell, Bryan and Schaffer are recognized to</p> <p>4 send forth a committee report. The Clerk will</p> <p>5 read.</p> <p>6 CLERK: Representatives Blackwell, Bryan</p> <p>7 and Schaffer, Judiciary IV Committee report, House</p> <p>8 Bill 2, Public Facilities Privacy and Security Act,</p> <p>9 favorable.</p> <p>10 SPEAKER MOORE: Calendar. Members on</p> <p>11 motion of Representatives Brawley, Moore, Bishop</p> <p>12 and all members of the Mecklenburg delegation, the</p> <p>13 Chair is happy to extend the courtesies of the</p> <p>14 gallery to City Councilmen Ed Driggs and LaWana</p> <p>15 Mayfield. Would you all please stand so we can</p> <p>16 recognize you and thank you for being with us</p> <p>17 today?</p> <p>18 (Applause.)</p> <p>19 Calendar. House Bill 2. The Clerk will</p> <p>20 read.</p> <p>21 CLERK: Representatives Bishop, Stam,</p> <p>22 Howard and Steinburg. House Bill 2, A Bill to be</p> <p>23 Entitled Acts to Provide for Single-Sex Multiple</p> <p>24 Occupancy Bathrooms and Changing Facilities in</p> <p>25 Schools and Public Agencies and to Create Statewide</p>	<p style="text-align: right;">4</p> <p>1 United -- the Articles of Confederation, we</p> <p>2 realized that we needed a true nation, and so the</p> <p>3 Constitution protects interstate commerce and</p> <p>4 requires the recognition of foreign judgments so</p> <p>5 that we can collect the debts from those people in</p> <p>6 Representative Tine's and Steinburg's districts. I</p> <p>7 think they're still there. If they move toward</p> <p>8 free flow of commerce and interstate commerce --</p> <p>9 and that's why the United States is the economic</p> <p>10 powerhouse of the world, plus natural resources.</p> <p>11 In North Carolina, there's been a</p> <p>12 continual struggle for free intrastate commerce.</p> <p>13 Until 1835, people came down here to Raleigh; they</p> <p>14 didn't have nice seats like this, but they came to</p> <p>15 the other building, and they brought all sorts of</p> <p>16 crazy economic things that would just apply to</p> <p>17 their town. And in the Constitution of 1835, we</p> <p>18 said in Article 2, Section 24, there'll be no local</p> <p>19 bills on trade. We want intrastate commerce to be</p> <p>20 free. That is one of the main thrusts of this</p> <p>21 bill, that when people want to do business, in this</p> <p>22 state, on matters of employment rights, that</p> <p>23 there'll be a common market without -- throughout</p> <p>24 the state.</p> <p>25 Common expectations. If a person travels</p>
<p style="text-align: right;">3</p> <p>1 Consistency and Regulation of Employment and Public</p> <p>2 Accommodations. The General Assembly of North</p> <p>3 Carolina enacts.</p> <p>4 SPEAKER MOORE: For what purpose does the</p> <p>5 gentleman from Wake, Representative Stam, arise?</p> <p>6 REP. STAM: To speak on the bill.</p> <p>7 SPEAKER MOORE: The gentleman has the</p> <p>8 floor to debate the bill. Members of the House</p> <p>9 will come to order. Members are asked to please</p> <p>10 take their seats, or if members would like to have</p> <p>11 a conversation, would ask members to please step</p> <p>12 off the floor to do so. The gentleman from Wake</p> <p>13 has the floor to debate the bill.</p> <p>14 REP. STAM: Thank you, Mr. Speaker.</p> <p>15 Members of the House, this is a common sense bill</p> <p>16 that protects the privacy expectations of our</p> <p>17 citizens, while clarifying local authority.</p> <p>18 Representative Bishop will give us a</p> <p>19 paragraph-by-paragraph explanation. Would the</p> <p>20 House indulge me if I went into history, just</p> <p>21 the -- three or four minutes?</p> <p>22 In 1669, the first law passed by the</p> <p>23 Assembly, the Albemarle Assembly, protected debtors</p> <p>24 fleeing from Virginia and South Carolina. This was</p> <p>25 not a good thing for commerce. In 1787, the</p>	<p style="text-align: right;">5</p> <p>1 to Hickory, they don't expect a different rule in</p> <p>2 the government facilities of Hickory of who can be</p> <p>3 in -- who can be in a washroom. They don't want --</p> <p>4 if they want to bid on a contract in Hickory, they</p> <p>5 can expect that they can pay their employees</p> <p>6 according to the law and there won't be some</p> <p>7 special deal just for Hickory. This will help the</p> <p>8 economy of the state greatly and recognize the</p> <p>9 privacy rights of every citizen of this state.</p> <p>10 SPEAKER MOORE: For what purpose does the</p> <p>11 gentleman from Mecklenburg, Representative Bishop,</p> <p>12 rise?</p> <p>13 REP. BISHOP: To debate the bill.</p> <p>14 SPEAKER MOORE: The gentleman has the</p> <p>15 floor to debate the bill.</p> <p>16 REP. BISHOP: Thank you, Mr. Speaker. As</p> <p>17 we just did, in a good committee meeting, I'd like</p> <p>18 to, briefly, tick through the three parts of the</p> <p>19 bill and address the various components, for the</p> <p>20 benefit of all the members.</p> <p>21 The bill begins with a recitation of the</p> <p>22 constitutional principles that Representative Stam</p> <p>23 just referred to, that the General Assembly may not</p> <p>24 enact local laws on -- or local acts -- regulating</p> <p>25 labor, trade, mining and manufacturing, topics of</p>

<p style="text-align: right;">6</p> <p>1 commerce, business, and also that localities, 2 cities and counties, have the powers that are 3 delegated to them by the General Assembly. 4 Beginning with that premise, we then have three 5 parts of the substantive provisions of the bill. 6 Part one concerns single-sex multiple 7 occupancy bathroom and changing facilities and 8 within that part there are two sections: one for 9 K-12 public schools, one for state agency local 10 government facilities. In both instances, what 11 we're establishing is that bathrooms and other 12 distinctly private facilities will be maintained 13 according to -- and designated according to 14 biological sex, and that the usage of them will be 15 in accordance with that. 16 Biological sex, the sections both state, 17 is the physical condition of being male or female, 18 which is stated on a person's birth certificate. I 19 made the point in committee and will make it again 20 here, that our existing laws concerning the content 21 of birth certificates provides that if someone has 22 sex-reassignment surgery and that's certified by a 23 physician, their birth certificate can be amended 24 as to the gender. Both of these provisions, in 25 setting forth that if there are multiple occupancy</p>	<p style="text-align: right;">8</p> <p>1 their contracting relationships. 2 I'm sorry. I omitted to mention one 3 thing about the first part that's very, very 4 important. As I said, as to multi-occupancy 5 bathroom facilities and other distinctly private 6 facilities, the regulation concerns government 7 facilities only. It mandates nothing with respect 8 to private businesses. They're free to adopt the 9 policies they seem -- they deem most appropriate. 10 So, back to part two. 11 Governments, local governments, cannot 12 impose employment and selling policies on their 13 contracting partners, who are private businesses. 14 And the third provision, which I'm going to come to 15 last, Section 2.1, makes clear that local 16 governments also cannot mandate wage practices in 17 private businesses. 18 And the reason it's here is because the 19 two provisions that we've modified in Sections 2.2 20 and 2.3 previously were modified in 2013 to make 21 clear that local governments could not mandate wage 22 policies through their contracting. We've now 23 generalized that, appropriately, and we've made it 24 a subject of what we call field preemption. 25 The North Carolina Wage and Hour Act</p>
<p style="text-align: right;">7</p> <p>1 facilities, they'll be by sex, also says that there 2 is nothing to preclude any of these government 3 bodies from having single-sex or having -- having 4 single occupancy facilities that are designated 5 according to sex or unisex. 6 Nor are -- and there also are several 7 exceptions that apply. For example, if someone 8 needs to go into the restroom or changing facility 9 to assist another person, and those are set forth 10 in detail. 11 The second part of the bill goes to the 12 part -- second and third parts relate to clarifying 13 the limits of local authority, for the sake of 14 having uniform and statewide consistency in 15 business regulation. So part two makes those 16 provisions in two respects. 17 If you look at sections 2.2 and 2.3 on 18 Page 4, those say that when a local government 19 contracts with a vendor, a contractor to build a 20 building or a contractor to sell something, or 21 contracts for competitions for professional 22 services, in those events, cities and counties 23 cannot impose employment practices and/or policies 24 concerning the sales or -- or provision of goods, 25 services or accommodations to the public through</p>	<p style="text-align: right;">9</p> <p>1 already provides a complete and integrated 2 legislative scheme regulating wages and conditions 3 of employment, and we simply added a statement that 4 the law, candidly, already should reflect -- I 5 mean, that is to say, it is the law, although some 6 may dispute it or some may attempt to overstep it, 7 that the Wage and Hour Act preempts local 8 governments and -- and disallows them from 9 regulating in the same field. They cannot regulate 10 wage policy of private businesses. They can set 11 wage policy for themselves any way they want to. 12 Part 3 concerns protection of rights in 13 employment and public accommodations. For the 14 first time, we are proposing that the General 15 Assembly enact a statement, a public policy 16 statement, on public accommodations discrimination, 17 disapproving that. Since 1976, we've had a 18 parallel statement of public policy against 19 employment discrimination. And both of these 20 policies cover all suspect and quasi-suspect 21 classifications recognized by the United States 22 Supreme Court: race, color, religion, national 23 origin, sex. They also cover, in the one instance, 24 the employment discrimination, age and handicap. 25 Those two are not added to the statement</p>

<p style="text-align: right;">10</p> <p>1 of public policy concerning public accommodations 2 discrimination. I'd like to take just a moment to 3 explain why. Age is uniquely appropriate for 4 protection in the -- in the employment 5 circumstance, and -- and that's why it appears in 6 the Employment Policy and not in the Public 7 Accommodations Policy. Handicap is actually 8 covered comprehensively in Employment as well as in 9 Public Accommodations in another part of the 10 General Statutes, Chapter 168A. 11 And there was a case in 2015 from the 12 Court of Appeals on the employment discrimination 13 side, in which the fact that handicap is mentioned 14 here, but not robustly treated here, a plaintiff 15 lost rights by bring their claim for relief under 16 the wrong law. The Court said had they proceeded 17 under 168A, they wouldn't have fallen into the trap 18 of not having secured their rights most robustly. 19 So, we've omitted that, because it would only be 20 window dressing to repeat that in the public 21 accommodations non-discrimination part. 22 But this is historic. There's never been 23 such a statewide non-discrimination statement on 24 public accommodations in North Carolina, and we're 25 doing it here. For both of these statements of</p>	<p style="text-align: right;">12</p> <p>1 provides that this act becomes effective when it 2 becomes law and applies to any action taken on or 3 after that date, to any ordinance, resolution, 4 regulation or policy adopted or amended after -- on 5 or after that date or to any contract entered into 6 on or after that date. However, the provisions 7 concerning preemption will apply immediately, and 8 to prior ordinances, preempting those and ending 9 their effect as a matter of law. Thank you, Mr. 10 Speaker. 11 REP. JACKSON: Mr. Speaker? 12 SPEAKER MOORE: Just -- just a -- just a 13 moment, if you would. The Chair would like to 14 extend the courtesies of the floor to two 15 individuals. First of all, former Representative 16 Rick Glazier, who recently retired from us. Rick, 17 glad to have you here today with us. Please join 18 me in welcoming Representative Glazier. 19 (Applause.) 20 Additionally, the Chair is happy to 21 extend the courtesies of the gallery to 22 Representative-Elect Holly Grange, who will be 23 replacing Representative Catlin from New Hanover 24 County. Glad to have you here as well today. 25 (Applause.)</p>
<p style="text-align: right;">11</p> <p>1 public policy, we've also done something else that 2 clarifies law; clarifies law concerning the 3 authority of localities. And that is to say, to 4 state, even though it would have otherwise been 5 evident in a court decision, that these -- that we 6 are regulating the field comprehensively. We are 7 preempting the field. That means that localities 8 are not free to adopt a patchwork of inconsistent 9 law governing these business practices across the 10 state. 11 In each case, that is to say in the 12 employment practices or employment discrimination, 13 as well as public accommodations discrimination 14 policy statements, the Human Resources Commission 15 of the Department of Administration is empowered to 16 receive complaints, investigate and conciliate 17 complaints arising under those areas. 18 Also, for the sake of consistency, places 19 of public accommodation -- the definition is 20 borrowed, by reference, from the Disability -- 21 Anti-Discrimination Statute so that, again, we 22 don't have inconsistency in terms of what 23 constitutes a public accommodation. 24 The remainder of the bill, other than a 25 severability provision, is Part 5, and it merely</p>	<p style="text-align: right;">13</p> <p>1 REP. JACKSON: Mr. Speaker? Mr. Speaker? 2 SPEAKER MOORE: And the Chair is not 3 being too presumptive; she has no opponent in the 4 fall, so -- let's see. The gentleman -- I believe 5 the Chair noticed Representative Jackson stood 6 first. So, for what purpose does the gentleman 7 from Wake, Representative Jackson, rise? 8 REP. JACKSON: To ask Representative 9 Bishop a question about his explanation. 10 SPEAKER MOORE: Does the gentleman from 11 Mecklenburg yield to the gentleman from Wake? 12 REP. BISHOP: I do. 13 SPEAKER MOORE: He yields. 14 REP. JACKSON: Representative Bishop, 15 thank you for that. I'm looking at Page 4, Section 16 3.2. Right at the bottom of the page, there's a 17 line. The new part of that section reads, "This 18 article does not create and shall not be construed 19 to create or support a statutory or common law 20 private right of action, and no person may bring 21 any civil action based upon the public policy 22 expressed herein." Do you see that? 23 REP. BISHOP: I do. 24 REP. JACKSON: I'll -- 25 SPEAKER MOORE: Does the gentleman yield</p>

<p style="text-align: right;">14</p> <p>1 to an additional question?</p> <p>2 REP. BISHOP: I yield.</p> <p>3 SPEAKER MOORE: He yields.</p> <p>4 REP. JACKSON: And would I be correct if</p> <p>5 I stated that Section 143-422.2 is also in that</p> <p>6 same article? Is that correct?</p> <p>7 REP. BISHOP: That is correct.</p> <p>8 REP. JACKSON: And -- Mr. Speaker, follow</p> <p>9 up.</p> <p>10 SPEAKER MOORE: Gentleman wish to ask an</p> <p>11 additional question?</p> <p>12 REP. JACKSON: I do.</p> <p>13 SPEAKER MOORE: And does the gentleman</p> <p>14 from Mecklenburg yield to an additional question?</p> <p>15 REP. BISHOP: I yield.</p> <p>16 SPEAKER MOORE: He yields.</p> <p>17 REP. JACKSON: And so the effect of</p> <p>18 putting that line in this -- in this proposed</p> <p>19 legislation would be to eliminate all wrongful</p> <p>20 discharge state law lawsuits against public policy.</p> <p>21 Is that correct?</p> <p>22 REP. BISHOP: No.</p> <p>23 REP. JACKSON: Follow-up?</p> <p>24 SPEAKER MOORE: Does the gentleman yield</p> <p>25 to an additional question?</p>	<p style="text-align: right;">16</p> <p>1 This is one of them. That is to say, this has been</p> <p>2 read by courts to provide the basis of -- one of</p> <p>3 the examples of a basis for public policy discharge</p> <p>4 claim for relief.</p> <p>5 And it's true, this language would end</p> <p>6 that particular action, but in those cases, if</p> <p>7 there is an employment discrimination violation,</p> <p>8 the plaintiff in that situation, already has far</p> <p>9 more robust relief under Title 7 of the federal</p> <p>10 Civil Rights Act of 1964 than they have under this</p> <p>11 provision. It costs them nothing substantively and</p> <p>12 was necessary to make parallel the two provisions</p> <p>13 that we are proposing to enact.</p> <p>14 REP. JACKSON: Follow-up, Mr. Speaker?</p> <p>15 SPEAKER MOORE: Does the gentleman yield</p> <p>16 to an additional question?</p> <p>17 REP. BISHOP: I yield.</p> <p>18 SPEAKER MOORE: He yields.</p> <p>19 REP. JACKSON: You would agree with me</p> <p>20 that federal court rights and state court rights</p> <p>21 would be two different constitutional rights. Is</p> <p>22 that correct?</p> <p>23 REP. BISHOP: Well, we're talking about</p> <p>24 statutory rights, not constitutional rights, but</p> <p>25 yes. The Title 7 has far more robust private</p>
<p style="text-align: right;">15</p> <p>1 REP. BISHOP: I yield.</p> <p>2 SPEAKER MOORE: He yields.</p> <p>3 REP. JACKSON: Does it not say that no</p> <p>4 person shall bring any civil action based upon the</p> <p>5 public policy expressed herein?</p> <p>6 REP. BISHOP: That's what it says.</p> <p>7 REP. JACKSON: But you don't believe --</p> <p>8 SPEAKER MOORE: Does the gentleman</p> <p>9 yield -- does the gentleman yield to an additional</p> <p>10 question?</p> <p>11 REP. BISHOP: I yield.</p> <p>12 SPEAKER MOORE: He yields.</p> <p>13 REP. JACKSON: But it's your belief that</p> <p>14 you would still have a Section 422.2 wrongful</p> <p>15 discharge against public policy lawsuit if this</p> <p>16 bill passes?</p> <p>17 REP. BISHOP: There is no such thing as a</p> <p>18 422.2 wrongful discharge lawsuit. There is -- if I</p> <p>19 may explain.</p> <p>20 The courts of North Carolina, under the</p> <p>21 common law, have created a right of action for --</p> <p>22 for violation of public policy in a termination of</p> <p>23 employment. But it's not created by the statute.</p> <p>24 It exists as a matter of common law, and it can</p> <p>25 exist for a variety of public policy violations.</p>	<p style="text-align: right;">17</p> <p>1 rights and remedies for someone who suffers</p> <p>2 employment discrimination than are afforded by this</p> <p>3 statute here -- or afforded as -- by virtue of the</p> <p>4 public policy expressed in this statute.</p> <p>5 REP. JACKSON: Follow-up, Mr. Speaker?</p> <p>6 SPEAKER MOORE: Does the gentleman from</p> <p>7 Mecklenburg yield to an additional question?</p> <p>8 REP. BISHOP: I yield.</p> <p>9 SPEAKER MOORE: He yields.</p> <p>10 REP. JACKSON: Okay. So, looking at the</p> <p>11 case law under that statute, there was a lady who</p> <p>12 was fired for wrongful discharge because she</p> <p>13 refused to provide sexual favors to her employer,</p> <p>14 and the court held that she would have a case for</p> <p>15 wrongful discharge under Statute 143-422.2 in state</p> <p>16 court, and I ask you if we pass this law, would she</p> <p>17 still have that right tomorrow?</p> <p>18 REP. BISHOP: Well, I don't know if</p> <p>19 that's an accurate reading of what the case would</p> <p>20 say. It may say that she has a right of action for</p> <p>21 public -- for -- for public -- discharge in</p> <p>22 violation of public policy informed by this</p> <p>23 statute, but it wouldn't be brought under the</p> <p>24 statute. And she certainly would have a claim for</p> <p>25 relief under Title 7, with rights of back pay,</p>

<p style="text-align: right;">18</p> <p>1 front pay, reinstatement, punitive damages, 2 attorney's fees, et cetera. She'd have, as I said, 3 far more robust relief under Title 7 than she would 4 have under this -- under the public policy 5 termination common law right of action informed by 6 this statement of public policy, along with many 7 other states of -- statements of public policy. 8 REP. JACKSON: Follow up, Mr. Speaker? 9 SPEAKER MOORE: Does the gentleman from 10 Mecklenburg yield to an additional question? 11 REP. BISHOP: I yield. 12 SPEAKER MOORE: He yields. 13 REP. JACKSON: If this young lady lived 14 in -- if she lived at the coast, where would she 15 file such a Title 7 action? 16 REP. BISHOP: She would file a charge of 17 discrimination with the Equal Employment 18 Opportunity Commission, and from that point -- I 19 mean, I can go through the whole process with you 20 if you want to, but she would file it in a regional 21 EEOC office -- 22 REP. JACKSON: Right. 23 REP. BISHOP: -- originally. And then, 24 depending on how the charge was disposed of, she or 25 the EEOC would bring the -- a lawsuit in the</p>	<p style="text-align: right;">20</p> <p>1 that they will have fewer claims of relief and 2 potential avenues of recovery with passage of this 3 bill? 4 REP. BISHOP: It's conceivable. Let me 5 make sure that I'm clear as I say this for the 6 folks who are non-lawyers. As you know, 7 Representative Jackson, when we file a lawsuit, we 8 name in the lawsuit all of the claims, all of the 9 legal claim theories that we can think of. But as 10 it also turns out, in many, many cases, it's 11 superfluous. That is, what you're interested in if 12 you're a plaintiff is what remedies do I get? 13 And that's why I've spoken over and over 14 again about the remedial rights that are available 15 under federal non-discrimination law. They are 16 very robust. There is nothing forfeited to a 17 plaintiff by not having a public policy cause of 18 action for this specific public policy issue, by 19 virtue of the change in this bill. They'll have 20 ample rights under federal law, as we've kind of 21 illustrated by our interchange. 22 SPEAKER MOORE: For what purpose does the 23 lady from Mecklenburg, Representative Cotham, rise? 24 REP. COTHAM: Thank you, Mr. Speaker. To 25 debate House Bill 2.</p>
<p style="text-align: right;">19</p> <p>1 appropriate court where she lives. So, if you're 2 asking -- maybe you're asking about which court 3 system. She could bring it in state or federal 4 court. It could be removed to federal court. 5 That's usually what employers want to do. 6 REP. JACKSON: Follow up, Mr. Speaker. 7 SPEAKER MOORE: Does the gentleman yield 8 to an additional question? 9 REP. BISHOP: I yield. 10 SPEAKER MOORE: He yields. 11 REP. JACKSON: How about an employee who 12 is filed -- who is wrongfully discharged because of 13 their race? Would they have a state claim of 14 action, after this bill passes? 15 REP. BISHOP: They would have a federal 16 claim for relief under Title 7. They also would 17 have another claim for federal relief under 42 -- 18 42 USE 1981. 19 REP. JACKSON: Final question, Mr. 20 Speaker. 21 SPEAKER MOORE: Does the gentleman yield 22 to a final question? 23 REP. BISHOP: I yield. 24 SPEAKER MOORE: He yields. 25 REP. JACKSON: Would it be fair to say</p>	<p style="text-align: right;">21</p> <p>1 SPEAKER MOORE: The lady has the floor to 2 debate the bill. 3 REP. COTHAM: Thank you, Mr. Speaker. 4 Well, well, well. Here we are again, in a special 5 session. This time we are here to meddle in the 6 affairs of local government and disrespect local 7 elected leaders. This -- this special session is 8 clearly about -- and it was obvious in the 9 committee we were just in -- that this is to 10 advance some political careers and tarnish other 11 political careers in an election year. Imagine 12 that. 13 We must not allow fear-mongering and 14 discrimination against others. It has no place in 15 North Carolina, in this building, or any other 16 building. We must be a state that is inclusive -- 17 REP. STEVENS: Mr. Speaker? 18 SPEAKER MOORE: Just a moment. For what 19 purpose does the lady from Surry, Representative 20 Stevens, arise? 21 REP. STEVENS: To see if the lady will 22 yield for a question. 23 SPEAKER MOORE: Does the lady -- 24 REP. COTHAM: I will not at this time. 25 SPEAKER MOORE: Does the lady from</p>

<p style="text-align: right;">22</p> <p>1 Mecklenburg yield to the lady from Surry?</p> <p>2 REP. COTHAM: I will not.</p> <p>3 SPEAKER MOORE: She does not yield at</p> <p>4 this time. The lady from Mecklenburg continues to</p> <p>5 have the floor to debate the bill.</p> <p>6 REP. COTHAM: Thank you, Mr. Speaker. We</p> <p>7 must be a state that is inclusive and welcomes</p> <p>8 everyone in North Carolina and protects everyone,</p> <p>9 every citizen in North Carolina. What we are doing</p> <p>10 here today on this House floor is a bill that flies</p> <p>11 in the face of inclusiveness. You all know this.</p> <p>12 This is no surprise. Many of us, on my side of the</p> <p>13 aisle especially, have focused very hard on</p> <p>14 inclusiveness. I would hope that you would join</p> <p>15 our fight.</p> <p>16 As you know, I represent Charlotte and</p> <p>17 Mecklenburg, along with many of you in here. We</p> <p>18 hear from many people in Charlotte that they are</p> <p>19 absolutely fed up with this Chamber's actions to</p> <p>20 take part in hurting our city. It's not our first</p> <p>21 time being the target, as you all know. Instead,</p> <p>22 people want to talk about opportunities like a</p> <p>23 great education or having a good-paying job that</p> <p>24 could improve their lives, not about what we are</p> <p>25 here doing today.</p>	<p style="text-align: right;">24</p> <p>1 And you are absolutely not protecting</p> <p>2 children, and you are not protecting women. There</p> <p>3 going to be many other points raised by my</p> <p>4 colleagues about why this bill is so bad. I'm</p> <p>5 asking you all to vote no. I will. Thank you.</p> <p>6 SPEAKER MOORE: What purpose says the</p> <p>7 gentleman from Durham, Representative Michaux,</p> <p>8 arise?</p> <p>9 REP. STEVENS: Mr. Speaker, I was just</p> <p>10 going to see if she'd yield for a question now.</p> <p>11 SPEAKER MOORE: I'm sorry. The Chair</p> <p>12 will -- the Chair will entertain that. Does the</p> <p>13 lady from Mecklenburg yield to the lady of Surry</p> <p>14 for a question?</p> <p>15 REP. COTHAM: No.</p> <p>16 SPEAKER MOORE: She does not. Now, the</p> <p>17 gentleman -- what purpose does the gentleman from</p> <p>18 Durham, Representative Michaux, rise?</p> <p>19 REP. MICHAUX: To speak on the bill and</p> <p>20 for a motion after I speak.</p> <p>21 SPEAKER MOORE: The gentleman is first</p> <p>22 recognized to debate the bill.</p> <p>23 REP. MICHAUX: Mr. Speaker and ladies and</p> <p>24 gentlemen of the House, we have a bill before us</p> <p>25 that we just got a chance to get a five-minute read</p>
<p style="text-align: right;">23</p> <p>1 The voters of Charlotte elected the men</p> <p>2 and women on the City Council to represent them.</p> <p>3 They won. That's their choices. We should allow</p> <p>4 the elected members to make decisions on behalf of</p> <p>5 the people who elected them, not doing what we want</p> <p>6 to do because we can. We should respect all</p> <p>7 elected leaders.</p> <p>8 But I want to talk about a part that's a</p> <p>9 bit personal, and it's going to be personal to some</p> <p>10 of you in this Chamber and maybe many listening.</p> <p>11 As many of you know, I've had two babies while</p> <p>12 serving here. They are young. They are not of</p> <p>13 school age, and if any mother or father, but I'll</p> <p>14 talk about myself, have to use the bathroom, this</p> <p>15 bill says if I need to use the bathroom because I</p> <p>16 have to go, not to accompany or help my child, but</p> <p>17 because mommy has to go, my five-year-old and</p> <p>18 two-year-old cannot come into the bathroom with me.</p> <p>19 That's a serious problem, and that's</p> <p>20 going to affect many people in North Carolina. I</p> <p>21 think we are sending the absolute wrong message to</p> <p>22 the people of North Carolina and especially to the</p> <p>23 business community, of so many jobs that all of us</p> <p>24 have talked about, that we are trying to attract</p> <p>25 here in North Carolina.</p>	<p style="text-align: right;">25</p> <p>1 on during the meeting of the Committee, and it's a</p> <p>2 bill that addresses approximately three or four</p> <p>3 other ideas or other subjects other than what we</p> <p>4 were expected to come in here and vote on. I would</p> <p>5 call your attention -- you've got Parts 1, Parts 2</p> <p>6 and Part 3 of this bill, and that they are all</p> <p>7 different and separate parts of the bill. Mr.</p> <p>8 Speaker, if you will?</p> <p>9 For instance, the major reason that we're</p> <p>10 here is found in Part 1 of the bill. But what has</p> <p>11 been added to that is a usurpation of power for our</p> <p>12 municipalities and our counties, involving</p> <p>13 employment practices, involving public</p> <p>14 accommodations practices, involving a lot of things</p> <p>15 that we thought -- that had been, really, 50 to 60</p> <p>16 years in the making, and which we have been living</p> <p>17 fairly well with.</p> <p>18 One of the things -- let me just give you</p> <p>19 one little example of something in this bill. On</p> <p>20 Page 5 of the bill, where it's -- it says Section</p> <p>21 143-422-13, Investigation Conciliations. It says</p> <p>22 that the Human Relations Commission in the</p> <p>23 Department of Administration shall have the</p> <p>24 authority. The question was asked in Committee</p> <p>25 meeting, well, the Human Relations Commission, in</p>

<p style="text-align: right;">26</p> <p>1 the budget, has not been funded. They have been 2 defunded. The answer to that was, well, there are 3 funds available. But they are not recurring funds 4 in order to take care of any situation that may 5 arise under that. 6 As a result of this and having looked at 7 the bill, Mr. Speaker, and knowing that many of the 8 people -- there are people on our side who may want 9 to vote for Part 1. There are some on your side 10 who may not want to vote for Part 2 or Part 3 11 because of the usurpation of power of local 12 governments. We all have talked about how we like 13 things to happen at a local level, and what you're 14 doing in here is taking away complete and total 15 authority from those particular bodies. And with 16 that, Mr. Speaker -- 17 REP. STAM: Mr. Speaker, Mr. Speaker? 18 SPEAKER MOORE: For what purpose does the 19 gentleman from Wake, Representative Stam, rise? 20 REP. STAM: Would Representative Michaux 21 yield for one question on that point for me? 22 SPEAKER MOORE: Does the gentleman from 23 Durham yield for the gentleman from Wake? 24 REP. MICHAUX: I yield. Yes, sir. 25 SPEAKER MOORE: He yields.</p>	<p style="text-align: right;">28</p> <p>1 REP. BISHOP: Representative, do you 2 believe it's important that cities and counties act 3 within their legal authority? 4 REP. MICHAUX: I believe that the -- that 5 cities and counties should act within their legal 6 authority, as long as it's for the betterment of 7 their community. They are the ones that are closer 8 to the people than -- really, than we are, and they 9 are the ones that ought to be able to make 10 decisions for themselves and not have us do it up 11 here. 12 REP. BISHOP: Follow-up, Mr. Speaker. 13 SPEAKER MOORE: Does the gentleman from 14 Durham yield to an additional question? 15 REP. MICHAUX: Yes, sir. I yield. 16 SPEAKER MOORE: He yields. 17 REP. BISHOP: Wouldn't you agree, though, 18 that the rule of law requires that they follow the 19 limitations on their authority that are set forth 20 in statutes from the General Assembly? 21 REP. MICHAUX: I would agree. I would 22 agree also that states are required to do the same 23 thing as -- considering it's federal law and the 24 Constitution. 25 REP. BISHOP: Thank you, sir.</p>
<p style="text-align: right;">27</p> <p>1 REP. STAM: Representative Michaux, I 2 know you don't have a statute book in front of you, 3 but could you tell us what statute gives local 4 government the authority to regulate employment 5 practices or accommodations? 6 REP. MICHAUX: The same statute that 7 takes away that authority from them. In other 8 words, there is no -- there is no -- there is -- 9 REP. STAM: Ah. 10 REP. MICHAUX: -- there is none. And 11 what you're doing is, if they wanted to do it, like 12 some have done -- for instance, there are -- there 13 are cities and counties that have passed minimum -- 14 minimum wage laws. You want to come in to -- and 15 do that. 16 SPEAKER MOORE: For what -- I think the 17 gentleman has another -- for what purpose does the 18 gentleman from Mecklenburg, Representative Bishop, 19 rise? 20 REP. BISHOP: To ask the Representative 21 if he would yield for a question. 22 SPEAKER MOORE: Does the gentleman from 23 Durham yield to the gentleman from Mecklenburg? 24 REP. MICHAUX: Yes. 25 SPEAKER MOORE: He yields.</p>	<p style="text-align: right;">29</p> <p>1 REP. MICHAUX: Mr. Speaker? 2 SPEAKER MOORE: Does the gentleman desire 3 further debate or does the gentleman wish to make a 4 motion? 5 REP. MICHAUX: I wish to make a motion, 6 pursuant -- 7 SPEAKER MOORE: The gentleman is 8 recognized for a motion. 9 REP. MICHAUX: -- pursuant to section 313 10 of Mason's Manual, I move that sections 1, 2 and 3 11 be voted on and discussed separately. 12 SPEAKER MOORE: The Chair's going to 13 review the bill and will advise once that's done. 14 House will be at ease. 15 (Members at ease.) 16 SPEAKER MOORE: The House will come back 17 to order. The -- the gentleman's recognized for an 18 amended motion I believe the gentleman wishes to 19 make. 20 REP. MICHAUX: Mr. Speaker, I move that 21 Part 1 be separated and voted on separately, and 22 that Parts 2 and 3 be voted on separately. 23 SPEAKER MOORE: Okay. The Chair rules 24 that this motion is in order. The gentleman's 25 recognized to debate his motion.</p>

<p style="text-align: right;">30</p> <p>1 REP. MICHAUX: Thank you, Mr. Speaker.</p> <p>2 What it does, it gives you an opportunity to those</p> <p>3 who didn't want to usurp the power of our cities</p> <p>4 and counties to debate a little bit more on that.</p> <p>5 Section 1 deals with the problem that was raised by</p> <p>6 Charlotte, and that is why I ask for the separation</p> <p>7 on it. Because there are some who want to vote for</p> <p>8 it; some who want to vote against it. There are</p> <p>9 also some on the other side who want -- who do not</p> <p>10 want to usurp that power of their cities and</p> <p>11 authorities. I ask that you support the motion.</p> <p>12 SPEAKER MOORE: Members, there are</p> <p>13 several lights on. I would ask that those members</p> <p>14 who wish to debate this motion, please activate</p> <p>15 your lights. If members are simply wanting to</p> <p>16 debate the bill as a whole, please turn your lights</p> <p>17 off. The Chair will afford an opportunity to come</p> <p>18 back to that. For what purpose does the gentleman</p> <p>19 from Harnett, Representative Lewis, arise?</p> <p>20 REP. LEWIS: To debate the motion.</p> <p>21 SPEAKER MOORE: The gentleman has the</p> <p>22 floor to debate the motion.</p> <p>23 REP. LEWIS: Thank you, Mr. Speaker. Mr.</p> <p>24 Speaker and members, I would ask the members of the</p> <p>25 Chamber to vote against this motion. This bill is</p>	<p style="text-align: right;">32</p> <p>1 Assembly. Therefore, I believe they are related,</p> <p>2 and I believe they should remain together.</p> <p>3 REP. MICHAUX: Another question.</p> <p>4 SPEAKER MOORE: Does the gentleman yield</p> <p>5 to an additional question?</p> <p>6 REP. LEWIS: I yield.</p> <p>7 SPEAKER MOORE: He yields.</p> <p>8 REP. MICHAUX: So what you're saying is</p> <p>9 that all three of these items are -- in fact, the</p> <p>10 matter of restrooms and the matter of the power of</p> <p>11 cities and -- are all related in that particular</p> <p>12 aspect? Is that what you're telling me?</p> <p>13 REP. LEWIS: Again, Representative,</p> <p>14 without veering into the content of the bill, as</p> <p>15 best I can, while I would agree that the gross</p> <p>16 violation of privacy that the bathroom issue brings</p> <p>17 about is more alarming to me personally, they both</p> <p>18 have to do with the exceeding of local authority.</p> <p>19 SPEAKER MOORE: For what purpose does the</p> <p>20 gentleman from Rutherford, Representative Hager,</p> <p>21 arise?</p> <p>22 REP. HAGER: Speak on the amendment.</p> <p>23 SPEAKER MOORE: The gentleman has the</p> <p>24 floor to speak to the motion.</p> <p>25 REP. HAGER: Thank you, Mr. Speaker.</p>
<p style="text-align: right;">31</p> <p>1 a carefully crafted piece of legislation to make</p> <p>2 sure that we are able to accomplish the ends that</p> <p>3 the bill sponsors have explained during this</p> <p>4 debate. Without veering into the debate on the</p> <p>5 bill, I would simply ask you to vote no on this</p> <p>6 motion.</p> <p>7 REP. MICHAUX: Mr. Speaker, Mr. Speaker?</p> <p>8 SPEAKER MOORE: For what purpose does the</p> <p>9 gentleman from Durham, Representative Michaux,</p> <p>10 rise?</p> <p>11 REP. MICHAUX: To ask the Rules Committee</p> <p>12 Chairman a question.</p> <p>13 SPEAKER MOORE: Does the gentleman from</p> <p>14 Harnett yield to the gentleman from Durham?</p> <p>15 REP. LEWIS: I yield, Mr. Speaker.</p> <p>16 SPEAKER MOORE: He yields.</p> <p>17 REP. MICHAUX: Mr. Rules Chairman, would</p> <p>18 you agree with me that Part 1 of this bill can</p> <p>19 stand alone and be passed and enforced without</p> <p>20 anything else, particularly anything involving Part</p> <p>21 2 and 3?</p> <p>22 REP. LEWIS: Representative, what I would</p> <p>23 agree is that this entire bill deals with</p> <p>24 individual localities exceeding the authority that</p> <p>25 they have had without coming through the General</p>	<p style="text-align: right;">33</p> <p>1 Guys, these three pieces of this bill, as</p> <p>2 Representative Lewis said, all have something in</p> <p>3 common. They talk about taking power away from the</p> <p>4 state that we have always had, and,</p> <p>5 constitutionally, we always will have, and giving</p> <p>6 into the cities and counties. That's what these</p> <p>7 three pieces have in common; that's why they have</p> <p>8 that common denominator.</p> <p>9 These cities and counties, especially in</p> <p>10 this case, have operated outside their boundaries</p> <p>11 and they're into the boundaries of the State.</p> <p>12 These three pieces are integrated, they're --</p> <p>13 they're tied together, so I ask you to vote no on</p> <p>14 this motion.</p> <p>15 SPEAKER MOORE: Further discussion,</p> <p>16 further debate on the motion? For what purpose</p> <p>17 does the lady from Orange, Representative Insko,</p> <p>18 rise?</p> <p>19 REP. INSKO: Thank you, Mr. Speaker.</p> <p>20 Ladies and gentlemen of the House, I would like for</p> <p>21 you to vote yes on this motion. Partly because --</p> <p>22 Section 3 especially, that Representative Jackson</p> <p>23 talked about, is excessive and unnecessary and</p> <p>24 would put North Carolina -- it would join North</p> <p>25 Carolina as the only state without any state law</p>

<p style="text-align: right;">34</p> <p>1 protecting private sector employees. We don't want 2 to do that. We need to separate these out so that 3 we can vote on them separately. So, please, vote 4 yes. 5 SPEAKER MOORE: Further discussion, 6 further debate? If not, the question for the House 7 is the adoption of a Motion 12 set forth by 8 Representative Michaux. Those in favor will vote 9 aye; those opposed will vote no. The Clerk will 10 open the vote. 11 (Votes recorded.) 12 SPEAKER MOORE: The Clerk will lock the 13 machine and record the vote. 35 having voted in 14 the affirmative and 72 in the negative, the motion 15 fails. We're now back on debate on the bill. 16 Members who wish to debate, please activate your 17 lights. What purpose does the lady from Guilford, 18 Representative Harrison, arise? 19 REP. HARRISON: To debate the bill. 20 SPEAKER MOORE: The lady has the floor to 21 debate the bill. 22 REP. HARRISON: Thank you, Mr. Speaker. 23 This bill is so wrong on process and substance, but 24 I'm going to leave it to my colleagues to talk 25 about that. About the cost of this session, the</p>	<p style="text-align: right;">36</p> <p>1 boys' bathroom in high school. And you can just 2 imagine what kind of harassment and bullying and 3 potential harm might come to that young woman. And 4 this is a scenario that will play out all over the 5 state and affect all kinds of transgender 6 individuals, young and old. 7 It's been repeated, but it bears 8 repeating again, that 200 communities across the 9 nation have enacted these protections for this 10 community, and there has been little incident. It 11 does not encourage sexual predators. There are 12 already laws against sexual predators. It's a ruse 13 to state otherwise. This is also described as the 14 most anti-LGBT legislation in the country. 15 We should not be on the wrong side of 16 history on this. We should instead be focused on 17 real issues that affect women and children, like 18 restoring the EITC, raising the minimum wage, paid 19 sick leave, protecting clean air and clean water. 20 I urge you to vote no. 21 SPEAKER MOORE: For what purpose does the 22 gentleman from Wake, Representative Martin, arise? 23 REP. MARTIN: To send forth an amendment. 24 SPEAKER MOORE: The gentleman is 25 recognized to send forth an amendment. The Clerk</p>
<p style="text-align: right;">35</p> <p>1 appropriateness of this session, the potential loss 2 of significant federal funding, the economic 3 impact. I'm going to focus on, sort of, the 4 humaneness and the compassion element of this. 5 I wanted to talk about the transgender 6 community, and we heard some compelling testimony 7 in the hearing prior to this -- the committee 8 hearing on the bill. I don't think many of us in 9 this chamber really understand what transgenders go 10 through in term of the harassment and indignity and 11 discrimination on a daily basis. Everything from 12 employment to housing to jobs to restaurant access, 13 hotel access, and, yes, restroom access. So I -- 14 we also received an email from a doctor in Cary 15 that talked about the suicide rate among 16 transgenders being as high as 41 percent. I 17 thought that was pretty -- pretty compelling, and 18 you can safely say no one chooses to be 19 transgender. 20 It got me thinking about my constituents. 21 I have constituents who are the parents of a 22 transgender daughter, and I -- she's grown now, but 23 what if this bill had been in place? She was going 24 to be forced to use the boys' locker room in high 25 school, a transgender girl, and forced to use the</p>	<p style="text-align: right;">37</p> <p>1 will read. 2 CLERK: Representative Martin moves to 3 amend the bill on Page 4, Lines 26 by inserting 4 between age and biological the phrase, "veteran 5 status, sexual orientation, gender identity." 6 SPEAKER MOORE: The gentleman from Wake, 7 Representative Martin, has the floor to debate 8 the -- to debate the amendment. 9 REP. MARTIN: Thank you very much, Mr. 10 Speaker. Members, my amendment does not deal, for 11 the most part, with anything to do about some of 12 the more controversial parts of this legislation, I 13 hope. But I think we would all agree that we are 14 putting this legislation together as we go. It's 15 been a pretty quick process that we've all been 16 called back into session, and we have had limited 17 time to put it together. 18 But understand one of the goals of this 19 legislation to be to implement a statewide 20 anti-discrimination policy, and to take that out of 21 the purview of the local governments. So whether 22 one agrees or disagrees with that policy, I think 23 all 120 of us would agree that we need to do it 24 right, and we need to sure -- make sure that we 25 don't make any mistakes in doing it. So my</p>

<p style="text-align: right;">38</p> <p>1 amendment seeks to address one of those mistakes. 2 I think you'll find one portion of it 3 uncontroversial. The other portion, one that's 4 needed, but one that y'all may have some heartache 5 with, but we will see. 6 But if you look through the various 7 counties and local governments in North Carolina, 8 one of the categories you will see in the 9 anti-discrimination ordinances that they have 10 adopted is, in fact, veteran status. And that is 11 something that, as I have, in the short time that 12 we've had it before us, looked through this bill, 13 is not present. What you will also see in my 14 amendment is that it does, in fact, prohibit in our 15 statewide anti-discrimination policy -- 16 discrimination on the basis of sexual orientation 17 and gender identity. 18 I think we can have a broader debate on 19 that also. But without a doubt, it's something, I 20 think, needs to be in our policy. Members, I'm 21 happy to explain why discrimination on the basis of 22 veteran status should be prohibited and why we 23 should not blindly strip from our local governments 24 the ability to protect it, and I'm happy to yield 25 any questions on that or any other matter that's</p>	<p style="text-align: right;">40</p> <p>1 anti-discrimination policies prohibiting 2 discrimination on the basis of veteran status, and 3 I am unaware of any problems similar to that which 4 the gentleman suggests. 5 SPEAKER MOORE: The gentleman has the 6 floor to continue debating if the gentleman desires 7 further debate. Further discussion or debate on 8 this -- for what purpose does the gentleman from 9 Wake, Representative Stam, rise? 10 REP. STAM: To speak on the amendment and 11 make a motion. 12 SPEAKER MOORE: The gentleman has the 13 floor to debate the amendment. 14 REP. STAM: Ladies and gentlemen, first 15 of all, let's be clear. Page 3, Line 44, makes 16 clear that cities and counties can have whatever 17 classifications they want that are otherwise lawful 18 for their own employees. Here we're talking about, 19 you know, not their own employees. 20 In my youth, I was in the military, and 21 so I -- I've been a veteran for 45 years. I have 22 yet to ask anybody at the -- have ever ask -- had 23 anyone ask me before I bought groceries, are you a 24 veteran? And it's had to imagine that anyone would 25 discriminate against you in employment because</p>
<p style="text-align: right;">39</p> <p>1 related to this amendment, but I would urge your 2 support. 3 SPEAKER MOORE: For what purpose does the 4 gentleman, from Guilford, Representative Blust, 5 arise? 6 REP. BLUST: To see if Representative 7 Martin will yield for a question. 8 SPEAKER MOORE: Does the gentleman from 9 Wake yield to the gentleman from Guilford? 10 REP. MARTIN: I would gladly yield to 11 John Marshall Blust. 12 SPEAKER MOORE: He yields. 13 REP. BLUST: Thank you. The term 14 "veteran status," could that not be interpreted as 15 a two-sided coin, in which a veteran who served is 16 a veteran on one side of the coin, but someone who 17 didn't serve has a veteran status in that they're 18 not a veteran, and could putting this in the law be 19 interpreted to outlaw veteran preferences programs 20 for things like hiring? 21 REP. MARTIN: I think the clear answer to 22 that is that throughout the country, both at the 23 state level and in some cases at the federal level, 24 and then certainly as I have described at the local 25 government level, there are no shortage of</p>	<p style="text-align: right;">41</p> <p>1 you're a veteran. So I don't even understand the 2 need for veteran status. It's not a mark against 3 the person. 4 But secondly, you can go endlessly on. 5 Now, the other two items that Representative Martin 6 have mentioned suffer from definitional problems, 7 but let's take New York City, for example. They 8 prohibit discrimination on the basis of arrest 9 history, convict status, incarceration history, 10 credit history, source of income, caregiver status, 11 occupation, ancestry, weight, height, place of 12 birth, homelessness, political affiliation, student 13 status, the list can go on and on. What is in the 14 bill are the suspect classes that have already been 15 recognized in law. 16 Representative Martin is right, that if 17 he wants to change that law, he's at the right 18 place, the General Assembly, but the wrong time, 19 and this should not be done by cities and counties. 20 So, Mr. Speaker, I move to table the amendment. 21 SPEAKER MOORE: The gentleman has been 22 recognized for motion. The gentleman has moved 23 that the bill do lie upon the table. Is the motion 24 seconded? And seconded by Representative 25 Cleveland. The question for the House is the</p>

<p style="text-align: right;">42</p> <p>1 motion to lay the amendment upon the table. Those 2 in favor will vote aye, those opposed will vote no. 3 The Clerk will open the vote. 4 (Votes recorded.) 5 SPEAKER MOORE: Representative 6 Baskerville, Representative Brown on the floor, 7 Rayne Brown? The Court will lock the machine and 8 record the vote. 70 having voted in the 9 affirmative and 36 in the negative, the motion is 10 adopted. The bill does lie upon the table. 11 We're now back on the bill. For what 12 purpose does the gentleman from Mecklenburg, 13 Representative Moore, rise? 14 REP. R. MOORE: To speak very briefly on 15 the bill. 16 SPEAKER MOORE: The gentleman has the 17 floor to debate the bill. 18 REP. R. MOORE: Well, colleagues, we have 19 expensed a great deal of money to come back to 20 Raleigh. We were here a couple of weeks ago to 21 talk about -- talk about bathrooms. But let's 22 drill down into what the intent of this particular 23 legislation is. 24 This is really not about bathrooms. This 25 is about -- this is about fear, because, first of</p>	<p style="text-align: right;">44</p> <p>1 fact, if you look at some of our largest employers 2 in the state of North Carolina, they have policies 3 that address LGBT instances of their employees and 4 other things, so that can't be what we're doing 5 here. 6 And so what we -- what we dial back to 7 what I see resonantly clear, is the fact that 8 differences scare us. And so we want to put our 9 anvil, our hammer on the City of Charlotte to 10 affect the whole state, to say we -- we want 11 uniformity in these laws. Well, actually, it is 12 the -- it is the right of each municipality to -- 13 to do their own laws or their own ordinances; that 14 we gave them that authority. If you don't want to 15 do that, then I'm sure I will -- whoever that is, I 16 will not yield. Dan, I will not yield. Thank you. 17 SPEAKER MOORE: For what purpose does the 18 gentleman from Union, Representative Arp, arise? 19 Oh, I'm sorry. Does the gentleman desire further 20 debate, I thought -- to debate the bill? 21 REP. R. MOORE: No, I'm not finished. 22 SPEAKER MOORE: All right, apologize. 23 REP. R. MOORE: I -- I -- 24 SPEAKER MOORE: There was a long pause, 25 there, Representative Moore.</p>
<p style="text-align: right;">43</p> <p>1 all, you -- the City of Charlotte has a sovereign 2 responsibility and duty to make and pass ordinances 3 that have been given a charter by the State of 4 North Carolina. Does not mean that the State of 5 North Carolina at any time can supersede local 6 authority, but we've been through that for the last 7 four or five years here, so that's -- that's not -- 8 that's nothing new. It's not a problem. 9 But it is a problem. Because what you 10 have here is -- you have fear-stoking. The LGB -- 11 I've done the research. This ordinance is in over 12 200 cities, as it was referenced before, and there 13 has not, to my knowledge, been any catastrophic 14 incident of assaults, of rapes in these bathrooms 15 or anything, and so the argument that this is such 16 a grave challenge or a grave issue of public 17 safety, just doesn't -- just doesn't mesh; 18 doesn't -- doesn't pan out based upon the data. 19 And so now, let's walk back on that one. 20 We also know that the business community, 21 which we are here, our sole purpose is to create 22 jobs and to put forth a potentially good business 23 climate so that we can attract and retain jobs in 24 North Carolina. The business community has no 25 heartburn with this ordinance. As a matter of</p>	<p style="text-align: right;">45</p> <p>1 REP. R. MOORE: And I was -- I was 2 waiting for Dan to do his thing. Can I continue? 3 SPEAKER MOORE: The gentleman has the 4 floor to continue debating the bill. 5 REP. R. MOORE: Okay. And I'll wrap this 6 up very quickly. I am against -- I am against this 7 bill because it -- it -- it's not -- the spirit of 8 the bill is not what the bill says that it's 9 intended to do. We've been here before. 10 We know the ugly history of the state and 11 of this nation as it relates to LGBT, as it relates 12 to people of color, immigrants and other things. 13 And we have -- we have a very tricky, slippery 14 slope in this country, that we have had so much 15 rhetoric going on about people who are different 16 than us or supposedly different than us. But if 17 you're a Christian as some of you claim, we are all 18 children of -- of the Most High God, and brothers 19 and sisters in Christ. And so if you look at it 20 from that perspective, I ask that you look into 21 your hearts and that you defeat this measure. 22 Thank you. 23 SPEAKER MOORE: For what purpose does the 24 gentleman from Union, Representative Arp, arise? 25 REP. ARP: To debate the bill.</p>

<p style="text-align: right;">46</p> <p>1 SPEAKER MOORE: The gentleman has the 2 floor to debate the bill. 3 REP. ARP: Thank you, Mr. Speaker. 4 Colleagues, ladies and gentlemen, let me be very, 5 very clear on what we're doing here today. I'm not 6 running for a Congressional seat. Opponents -- I 7 don't want opponents to distract from what we're 8 doing here. 9 Summer's coming. Spring is here, 10 summer's coming. Emily and Ashante, 7-year-old 11 girls, are so excited to go to the pool. Their 12 mother's taking them to the pool. They go into the 13 locker rooms. They're bouncing off the walls with 14 excitement. They have been good all winter long 15 and now their mother is taking them to the 16 community pool to go swimming. 'All right, girls. 17 Calm down. Go ahead and take off your clothes and 18 get on your bathing suits and we will go to the 19 pool.' 20 As they begin to do so, in walks a 21 biological male. Sits down on the wooden bench in 22 front of the lockers right beside them and begins 23 to disrobe. What just happened? Emily, Ashante 24 and her mother just lost their privacy. 25 Some municipalities have mandated through</p>	<p style="text-align: right;">48</p> <p>1 simple. All North Carolina citizens expect privacy 2 in showers, bathrooms and locker rooms. I do not 3 think counties and municipalities and local 4 governments have the authority to strip all North 5 Carolina citizens of their right to privacy in 6 showers, bathrooms and locker rooms. I do not 7 think counties, municipalities and local 8 governments should have the right to strip any 9 North Carolina citizen of their right to privacy in 10 showers, locker rooms and bathrooms or mandate 11 other businesses to do so. It's just that simple. 12 How is it compassionate to strip North 13 Carolina citizens of their right to privacy? It's 14 been mentioned about the schools. This bill 15 actually provides the authority, broad authority, 16 of the schools to accommodate any student in any 17 manner without stripping other students of their 18 right to privacy in showers, in locker rooms and 19 bathrooms. 20 Make no mistake, we would not be here if 21 a municipality had not stripped North Carolina 22 citizens of their right to privacy in bathrooms, 23 locker rooms and showers. I can think of us having 24 no greater purpose than to spend whatever amount of 25 money it takes to make sure all North Carolina</p>
<p style="text-align: right;">47</p> <p>1 their ordinance that this very situation will occur 2 over and over and over again. This bill is 3 necessary to stop that from happening. Just common 4 sense. Biological men should not be in women's 5 bathrooms, showers or locker rooms. All North 6 Carolina citizens expect bodily privacy in showers, 7 locker rooms and bathrooms. Make no mistake, this 8 bill ensures all North Carolina citizens the 9 privacy, protections they in fact have. 10 Do you know that courts have found that 11 even prisoners have the right to use restrooms, 12 changing areas, without regular exposure to viewers 13 of the opposite sex? There have been two court 14 cases that settled this. There's a -- it's a -- 15 courts have recognized a constitutional violation 16 where guards regularly watch inmates of the 17 opposite sex who were engaged in personal 18 activities such as undressing, using toilet 19 facilities or showering. 20 So, prisoners actually have more privacy 21 than Emily and Ashante and her mother. These 22 seven-year-old girls. Prisoners. 23 We do a lot of hard things up here, a lot 24 of complicated things here, but, ladies and 25 gentlemen, this is not hard. This is really</p>	<p style="text-align: right;">49</p> <p>1 citizens are not stripped of their privacy in 2 locker rooms, showers and bathrooms. Ladies and 3 gentlemen, I urge you to vote yes on this bill. 4 Thank you. 5 SPEAKER MOORE: For what purpose does the 6 gentleman from Cumberland, Representative Floyd, 7 rise? 8 REP. FLOYD: To send forth an amendment, 9 Mr. Speaker. 10 SPEAKER MOORE: The gentleman is 11 recognized to send forth an amendment. Is the 12 Clerk in possession of the amendment? 13 REP. FLOYD: Yes, he is. 14 SPEAKER MOORE: The Clerk will read. 15 CLERK: Representative Floyd moves to 16 amend the bill on Page 1, Line 4 by deleting 17 "employment and." 18 SPEAKER MOORE: The gentleman has the -- 19 Chair is reviewing the amendment, the gentleman has 20 the floor to -- the gentleman has the floor to 21 debate the amendment. 22 REP. FLOYD: Mr. Speaker, when we first 23 heard and learned about the Charlotte bill, we was 24 under the impression that this session would 25 address the Charlotte bill. And -- but what we see</p>

<p style="text-align: right;">50</p> <p>1 is that this session has gone beyond the Charlotte 2 bill and added employment. 3 But what my amendment does is to remove 4 the section that relates to employment and allow 5 the bill to move forward. And as Representative 6 Shaw -- Representative Michaux mentioned, that it 7 can stand alone and be voted on. It -- that's 8 simply that it's gone beyond what we originally 9 thought that this session would be called for. 10 SPEAKER MOORE: The Chair notices several 11 lights. Again, if members would only have their 12 lights on if they wish to debate this amendment. 13 To what purpose does the gentleman from 14 Mecklenburg, Representative Bishop, arise? 15 REP. BISHOP: To debate the amendment. 16 SPEAKER MOORE: The gentleman has the 17 floor to debate the amendment. 18 REP. BISHOP: The amendment would take 19 out not only the provision clarifying that local 20 governments may not regulate wage policy, but also 21 those sections that provide that localities cannot 22 regulate the employment practices and selling 23 practices of contractors to those governments. And 24 it affords an opportunity to say, this really is 25 one of the most egregious aspects of the overreach</p>	<p style="text-align: right;">52</p> <p>1 And then if you go -- if you get through 2 the questions in that committee, you've probably 3 got a serial referral to another committee, maybe 4 two. And after you get favorable reports from 5 those committees, if you can do that, then you come 6 to the floor of the House, where people are making 7 speeches if they're running for Congress. 8 REP. MEYER: Mr. Speaker? 9 SPEAKER MOORE: For what purpose does the 10 gentleman from Orange, Representative Meyer, arise? 11 REP. MEYER: Can I ask Representative 12 Bishop a question? 13 SPEAKER MOORE: Does the gentleman from 14 Mecklenburg yield to the gentleman from Orange? 15 REP. BISHOP: I'm on a roll, so I don't 16 think I'll yield. 17 SPEAKER MOORE: He doesn't yield at this 18 time. 19 REP. BISHOP: And then, if you get a 20 majority of this body of 120 people to vote yes, 21 then it really gets tough, because you have to go 22 across the chamber and start over again with a 23 whole 'nother set of committees, one of which is 24 rules. You have to get through both bodies and 25 that's how something becomes law.</p>
<p style="text-align: right;">51</p> <p>1 of authority reflected in the Charlotte ordinance. 2 For it wasn't enough to mow down the 3 right of anyone to disagree with the social policy 4 revisions being done, but they also -- within the 5 City of Charlotte, but they also sought to reach 6 beyond their borders and instruct businesses 7 throughout the state of North Carolina, who might 8 seek to do business with the city of Charlotte, how 9 they must operate their businesses. 10 Which -- which points up again why it's 11 important. You know, we -- we sit in one house of 12 a bicameral legislature. Bicameralism exists now 13 the world over as a bulwark against invasions of 14 freedom. And I've learned, in the short time being 15 up here, that having five or six people think 16 something is a good idea is a long way from home 17 when it comes to making a law. You have to get a 18 old ornery committee chairman like Chairman Brawley 19 to allow you to be heard in his committee. You 20 have to answer a lot of questions. And you find 21 out that if you haven't vetted out your language 22 very carefully, as the case has been in Charlotte, 23 where, by the way, if you read the plain language, 24 they eliminated same-sex specific facilities 25 completely.</p>	<p style="text-align: right;">53</p> <p>1 Or here's a neat trick. Let's just go to 2 a city council where you can find a handful of 3 radicals under the influence of an activist group. 4 It's got a lot of money from out of state. And get 5 six of those people to enact something that goes to 6 the heart of some -- of statewide interest. And 7 then impose that not only on your own citizens, but 8 on everyone that might be operating a business 9 across the state. That is the picture of the 10 subversion of the rule of law. 11 And the reason I asked the question -- 12 nobody yet has suggested that there's a statute in 13 the general statutes that confers authority on the 14 City Council of Charlotte to do what they've done. 15 Indeed, to my colleague, Representative Moore, who 16 spoke of this being about fear, I want to suggest 17 to all of us that we'd be better served in our 18 debating with one another if we did not ascribe the 19 basest of motives to the opposition that we face. 20 Fear and ignorance. I don't know how many times 21 I've heard in the last month or so that everyone 22 who might be opposed to what Charlotte has done 23 must be acting out of fear and ignorance. 24 REP. R. MOORE: Mr. Speaker. 25 SPEAKER MOORE: What purpose does the</p>

<p style="text-align: right;">54</p> <p>1 gentleman from Mecklenburg, Representative Moore, 2 arise? 3 REP. R. MOORE: To ask my -- my 4 delegation member Representative Bishop a question. 5 SPEAKER MOORE: Does the -- does -- 6 Representative Bishop, does the gentleman yield to 7 a question from Representative Moore? 8 REP. BISHOP: Returning the favor, I'm 9 not yet done, not at this time. 10 SPEAKER MOORE: He does not yield. The 11 gentleman, the -- Representative Bishop continues 12 to have the floor to debate the amendment. 13 REP. BISHOP: Thank you, Mr. Speaker. I 14 would submit that taking the step of mandating a 15 particular approach on every business of whatever 16 ilk throughout the city of Charlotte and across the 17 state of North Carolina that might want to do 18 business with the city of Charlotte implies fear. 19 Can we not trust that people acting in good will 20 will find ways to accommodate each other without 21 having an ever-expanding list of groups and 22 sub-groups and sub-sub-groups laid out in law so 23 that we can divide each other up? 24 It's got nothing to do with fear. I 25 trust my fellow man and woman to do the right thing</p>	<p style="text-align: right;">56</p> <p>1 Representative Bishop -- 2 REP. BISHOP: Yes, Congressman? 3 REP. R. MOORE: All right. Trust me -- 4 and -- and, Representative Bishop, for some reason 5 that's -- that's a slip of the -- a Freudian slip. 6 Sir, do you really believe -- or -- or do -- you 7 talked about outside groups coming in and -- and 8 pandering and those things. Is that not done on 9 either side of the -- of the political philosophy 10 spectrum, whether you're a far right or far left 11 advocate? Is -- is that -- is that not the -- the 12 norm of our political process, at this particular 13 point in time? 14 REP. BISHOP: I think general assemblies 15 like ours are the worst of all possible forms of 16 government, except for the others. That is to say, 17 a lot of garbage comes out of here. A lot of 18 influence is -- is peddled around. A lot of things 19 I disagree with happen. 20 But I think, to my core, that the system 21 of government that we all live under, the 22 institution that we have here with all you fine 23 people on the floor and those in the other chamber 24 and those in the United States Congress that's -- 25 that's similarly separated for checks and balances</p>
<p style="text-align: right;">55</p> <p>1 almost all of the time. They need not be rode herd 2 on, if you will. That's why we establish things 3 like bicameral legislatures and separation of 4 powers. I didn't even mention that. Once you get 5 through the committees, the Senate and the House, 6 you gotta go to the Governor and get a signature. 7 None of that occurs when you can get a few people 8 to come up and run something through that's a great 9 idea, as far as they know. 10 So I urge you, ladies and gentlemen, this 11 bill is a carefully crafted, integrated measure, 12 reasonably, to deal with an abuse of authority. 13 And I urge you to defeat the amendment. 14 SPEAKER MOORE: For what purpose does the 15 gentleman from Mecklenburg, Representative Moore, 16 arise? 17 REP. R. MOORE: To -- to ask my colleague 18 a -- a question. 19 SPEAKER MOORE: Does the gentlemen from 20 Mecklenburg yield to the gentleman from 21 Mecklenburg? 22 REP. BISHOP: At this time, I'm pleased 23 to yield. 24 SPEAKER MOORE: He yields. 25 REP. R. MOORE: Senator -- I'm sorry,</p>	<p style="text-align: right;">57</p> <p>1 upon the abuse of power, those devices are core and 2 fundamental to our maintenance of our freedoms, and 3 they're -- and they absolutely deserve to be 4 respected. 5 And one political -- if one political 6 force decides they're going to take a shortcut and 7 they're going to try to restructure things, or 8 overstep their authority until they're stopped, 9 then they ought to be stopped, for the sake of the 10 institutions that we hold dear. And they're not 11 just institutions for their own sake, but because 12 they protect our freedom. 13 SPEAKER MOORE: For what does the 14 gentleman from Cumberland, Representative Floyd, 15 arise? 16 REP. FLOYD: To speak a second time, Mr. 17 Speaker. 18 SPEAKER MOORE: The gentleman has the 19 floor to debate the amendment a second time. 20 REP. FLOYD: Mr. Speaker, the reason why 21 I sent forth this amendment, because I strongly 22 believe that this statute -- that this portion of 23 the bill can be addressed in the short session, 24 'cause anything can happen in a short session, or 25 it could be addressed in the long session. So I</p>

<p style="text-align: right;">58</p> <p>1 urge your support of the amendment.</p> <p>2 SPEAKER MOORE: For what purpose does the</p> <p>3 gentleman from Wake, Representative Martin, arise?</p> <p>4 For what purpose does the gentleman from Orange,</p> <p>5 Representative Meyer, arise?</p> <p>6 REP. MEYER: Thank you, Mr. Speaker. To</p> <p>7 ask the gentleman from Mecklenburg, the bill</p> <p>8 sponsor, two questions.</p> <p>9 SPEAKER MOORE: Does the gentleman from</p> <p>10 Mecklenburg yield to the gentleman from Orange?</p> <p>11 REP. BISHOP: I yield for one question,</p> <p>12 and we'll see.</p> <p>13 SPEAKER MOORE: He yields.</p> <p>14 REP. MEYER: I think -- I think you'll be</p> <p>15 able to answer both of these questions right here.</p> <p>16 REP. BISHOP: I'll try my best.</p> <p>17 REP. MEYER: All right. In your</p> <p>18 comments, you said that a city -- an elected city</p> <p>19 council of seven members -- I don't know how many</p> <p>20 members are on the Mecklenburg Board, but you said</p> <p>21 that a elected city council, because they have</p> <p>22 fewer members and a different process than our</p> <p>23 legislature, that them enacting a local ordinance</p> <p>24 is a subversion of the rule of law?</p> <p>25 REP. WARREN: Mr. Speaker?</p>	<p style="text-align: right;">60</p> <p>1 local concern. And they are agents of the General</p> <p>2 Assembly and seeing to it that good government --</p> <p>3 government is available everywhere. And in</p> <p>4 appropriate areas, they maximize local control.</p> <p>5 But the -- but it is fundamental to the</p> <p>6 operating of that system properly that authority be</p> <p>7 delegated, and that authority exercised by</p> <p>8 localities be properly -- that be -- be within</p> <p>9 their delegated authority.</p> <p>10 So, for example, zoning is a power we</p> <p>11 have expressly conferred upon municipalities and</p> <p>12 counties. And folks know the needs and</p> <p>13 requirements of zoning questions in Charlotte and</p> <p>14 Mecklenburg County in ways and details we couldn't</p> <p>15 possibly know of here. The conditions in Charlotte</p> <p>16 and Mecklenburg are far different than they are in</p> <p>17 my mother's home county, Bladen, and -- and so</p> <p>18 different decisions need to be made.</p> <p>19 What we're talking about here is</p> <p>20 something for which there's never been a delegation</p> <p>21 of authority to a locality, and furthermore, it is</p> <p>22 a matter of statewide interest. It is not</p> <p>23 something that varies in terms of what is right and</p> <p>24 just from community to community and how the law</p> <p>25 can be orderly.</p>
<p style="text-align: right;">59</p> <p>1 SPEAKER MOORE: Just a moment. For what</p> <p>2 purpose does the gentleman from Rowan,</p> <p>3 Representative Warren, arise?</p> <p>4 REP. WARREN: Mr. Speaker, it seems to me</p> <p>5 that -- we've -- the discourse has gotten off</p> <p>6 the -- the -- is not germane to the amendment.</p> <p>7 SPEAKER MOORE: Well, the -- I think the</p> <p>8 gentleman is rising to a point of order. The Chair</p> <p>9 will simply -- the Chair believes the gentleman</p> <p>10 from Orange is -- is still within the confines of</p> <p>11 the debate. And the Chair did give the gentleman</p> <p>12 from Mecklenburg a little bit of wide latitude to</p> <p>13 debate the amendment. So I think that questions of</p> <p>14 a wide latitude probably would -- would be</p> <p>15 permissible. The gentleman from Orange has the</p> <p>16 floor to continue propounding the question.</p> <p>17 REP. MEYER: Thank you, Mr. Speaker.</p> <p>18 Representative Bishop, can you elaborate on your</p> <p>19 point that a city council passing a local ordinance</p> <p>20 is somehow a subversion of the rule of law?</p> <p>21 REP. BISHOP: I certainly can. Thank you</p> <p>22 for the question. City councils and county</p> <p>23 commissions -- I was a county commissioner -- are</p> <p>24 critical to the functioning of state government.</p> <p>25 They represent -- they -- they handle matters of</p>	<p style="text-align: right;">61</p> <p>1 We make those decisions as a statewide</p> <p>2 community. That's the way the system is set up.</p> <p>3 REP. FLOYD: Mr. Speaker?</p> <p>4 SPEAKER MOORE: For what purpose has the</p> <p>5 gentleman from Cumberland, Representative Floyd,</p> <p>6 rise?</p> <p>7 REP. FLOYD: Is this in reference to my</p> <p>8 amendment?</p> <p>9 SPEAKER MOORE: Representative Meyer</p> <p>10 asked the question, so I --</p> <p>11 REP. FLOYD: I'm just - I'm referring</p> <p>12 that this reference might end --</p> <p>13 SPEAKER MOORE: Representative Floyd, the</p> <p>14 Chair did give some wide latitude to Representative</p> <p>15 Bishop to debate the amendment, and the Chair also</p> <p>16 gave Representative Meyer a wide latitude for a</p> <p>17 question, but is probably time to rein it in just a</p> <p>18 little bit.</p> <p>19 REP. FLOYD: Yes, sir, that is what I am</p> <p>20 calling. May I, Mr. Speaker?</p> <p>21 SPEAKER MOORE: Well --</p> <p>22 REP. FLOYD: May I?</p> <p>23 SPEAKER MOORE: For what purpose does the</p> <p>24 gentleman from Cumberland rise?</p> <p>25 REP. FLOYD: A call for the previous</p>

<p style="text-align: right;">62</p> <p>1 question.</p> <p>2 SPEAKER MOORE: The gentleman has moved</p> <p>3 the adoption of the previous question. Those in</p> <p>4 favor of the previous question will vote aye; those</p> <p>5 opposed will vote no. The Court will open the</p> <p>6 vote.</p> <p>7 (Votes recorded.)</p> <p>8 SPEAKER MOORE: Is Representative Lambeth</p> <p>9 on the floor? The Clerk will lock the machine and</p> <p>10 record the vote. 89 having voted in the</p> <p>11 affirmative and 18 in the negative, the previous</p> <p>12 question has been adopted. The question before the</p> <p>13 House now, is the amendment sent forth by</p> <p>14 Representative Floyd to House Bill 2. Those in</p> <p>15 favor of the amendment will vote aye. Those</p> <p>16 opposed will vote no. The Clerk will open the</p> <p>17 vote.</p> <p>18 (Votes recorded.)</p> <p>19 SPEAKER MOORE: The Clerk will lock the</p> <p>20 machine and record the vote. 35 having voted in</p> <p>21 the affirmative and 72 in the negative, the</p> <p>22 amendment fails. We are now back on debate on the</p> <p>23 bill. For what purpose does the gentleman from</p> <p>24 Durham, Representative Michaux, arise?</p> <p>25 REP. MICHAUX: To speak a second time on</p>	<p style="text-align: right;">64</p> <p>1 yourself how much or if any cost would be involved</p> <p>2 in this bill? The reason I am raising that is</p> <p>3 because you define the parameters of -- no, I'm</p> <p>4 sorry. You define the parameters of what is</p> <p>5 discrimination and what is discriminatory and what</p> <p>6 is not discriminatory.</p> <p>7 If the federal government comes up and</p> <p>8 says, 'Well, you don't have, for instance, in here</p> <p>9 anything concerning sexual orientation,' which is</p> <p>10 not mentioned in here. And what I have today -- I</p> <p>11 have a piece of paper involving -- just Title IX</p> <p>12 education funds, and if you have described what</p> <p>13 your parameters of discrimination are, and they</p> <p>14 don't comport to what the feds are, you know you</p> <p>15 stand to lose about \$4 billion in education</p> <p>16 funding? Here it is, right here.</p> <p>17 So, what we have tried to say to you is</p> <p>18 that you have gone far beyond what's in a restroom</p> <p>19 or who goes into a restroom or how it affects</p> <p>20 somebody personally. What you have done is you</p> <p>21 have not looked at this bill as to what effect it</p> <p>22 may have on you in terms of your appropriations.</p> <p>23 As I said before, you put in this bill that</p> <p>24 disputes would be settled by the Human Relations</p> <p>25 Commission, a commission that has been defunded and</p>
<p style="text-align: right;">63</p> <p>1 the bill.</p> <p>2 SPEAKER MOORE: The gentleman has the</p> <p>3 floor to debate the bill a second time.</p> <p>4 REP. MICHAUX: Mr. Speaker and ladies and</p> <p>5 gentlemen of the House, my rising to speak this</p> <p>6 time does not go to what Charlotte did. I still</p> <p>7 think it is in their wisdom to do whatever they</p> <p>8 want to do. For instance, I don't want you telling</p> <p>9 Durham that they can't make any rules or</p> <p>10 regulations regarding who comes into Durham to want</p> <p>11 to build a building in Durham. Durham ought to</p> <p>12 have that authority, an authority which you're</p> <p>13 taking away from them with this bill.</p> <p>14 And that is my whole purpose here -- is</p> <p>15 to that usurpation of power that the citizen --</p> <p>16 even the authority that you have given them, you</p> <p>17 have given them in the past, you have taken it away</p> <p>18 from them. You gave cities and counties the</p> <p>19 authority to do zoning. Yet in a couple of</p> <p>20 sessions, you took away zoning authority,</p> <p>21 particularly in Durham. I'm -- I'm -- I'm a</p> <p>22 witness to that.</p> <p>23 But let me ask you this. You say this</p> <p>24 bill was well crafted -- that it had a lot of</p> <p>25 thought that went into it. Have you ever asked</p>	<p style="text-align: right;">65</p> <p>1 no money going to them, but they are the ones</p> <p>2 who -- who are going to do this.</p> <p>3 You haven't looked at this carefully.</p> <p>4 All you have done is come in and rushed because of</p> <p>5 one hot button issue. You've come in and taken</p> <p>6 that hot button issue and turned it into something</p> <p>7 else that you even have a problem digesting.</p> <p>8 I still say that there is an opportunity</p> <p>9 right now for you all to do what you want, what you</p> <p>10 came in here to do, and not affect the cities and</p> <p>11 counties in the authority that they may have and</p> <p>12 what they may not have.</p> <p>13 REP. STAM: Mr. Speaker?</p> <p>14 SPEAKER MOORE: What purpose does the</p> <p>15 gentleman from Wake, Representative Stam, rise?</p> <p>16 REP. STAM: Would Representative Michaux</p> <p>17 yield for a question?</p> <p>18 REP. MICHAUX: Yes, sir.</p> <p>19 SPEAKER MOORE: Does the Representative</p> <p>20 from Durham yield to the gentleman from Wake?</p> <p>21 REP. MICHAUX: I sure do.</p> <p>22 REP. STAM: Mr. Michaux, do you know</p> <p>23 that, in the last 44 years, not a single school has</p> <p>24 lost Title IX funding for enacting laws and</p> <p>25 policies that require students to use restrooms and</p>

<p style="text-align: right;">66</p> <p>1 locker rooms of their biological sex? Not once in 2 44 years. 3 REP. MICHAUX: I understand that. 4 REP. STAM: Answer the question. 5 REP. MICHAUX: I understand that they 6 have not yet lost anything. Yes. 7 REP. STAM: Second question. 8 SPEAKER MOORE: Does the gentleman yield 9 to an additional question? 10 REP. MICHAUX: I do yield. 11 SPEAKER MOORE: He yields. 12 REP. STAM: Does the paper you have there 13 happen to mention that 34 Code of Federal 14 Regulations, Section 106.33, says that quote, "a 15 recipient may provide separate toilet, locker room 16 and shower facilities on the basis of sex." Have 17 they told you that in their little talking point? 18 REP. MICHAUX: I do not need for them to 19 tell me that, because I know that, but I also know 20 that in some federal law there is a mention of 21 sexual orientation also, Representative Stam, which 22 is not in your bill here today. 23 SPEAKER MOORE: For what purpose does the 24 gentleman from Mecklenburg, Representative 25 Alexander, rise?</p>	<p style="text-align: right;">68</p> <p>1 Mecklenburg County, specifically in Charlotte, this 2 whole issue of the anti-discrimination ordinance 3 came up, was discussed, was debated at one City 4 Council, and then became something that was 5 discussed in the next mayoral and City Council 6 campaigns. So people who were running for office 7 went all over the community, showed up at numerous 8 forums, answered questions, and told people what 9 their position was going to be. At least one 10 mayoral candidate -- the candidate who prevailed -- 11 likewise went around the community at those same 12 forums, made speeches, told folk what her intention 13 was going to be, should she be elected. And the 14 people of Charlotte went to the polls in -- fully 15 aware of these discussions, and voted in a City 16 Council committed to making some changes and a 17 mayor committed to making the changes. 18 Now, in my looking at Political Science 19 101, that's the essence of democracy. We had a 20 democratic process. It produced a result that some 21 folk like, some folks don't like, but it was a 22 democratic result. 23 I admonish you, ladies and gentlemen, to 24 be very careful to substitute consistently the will 25 of the people at the county and at the municipal</p>
<p style="text-align: right;">67</p> <p>1 REP. ALEXANDER: To debate the bill. 2 SPEAKER MOORE: The gentleman has the 3 floor to debate the bill. 4 REP. ALEXANDER: Thank you, Mr. Speaker. 5 In going over this and thinking about it and 6 talking to folk up here, I think it is important 7 that you know two things. Number 1, I am not 8 running for Congress, and, Number 2, that if this 9 bill passes, we will have finally after a couple of 10 hundred years figured out how to outlaw two-hole 11 outhouses. 12 Now, dealing with the serious matters. 13 You know, I -- I am a firm believer, as are many of 14 you, that regardless of what our Constitution says, 15 that ultimately, the power derives from the consent 16 of the governed. It derives from the people. And, 17 like many of you, I have argued over and over that 18 when you start looking at issues, you should go and 19 find out what the people did. 20 Now, we've listened to a discussion of 21 how a bill becomes a law in the General Assembly 22 with kind of an implication that the process lower 23 down isn't quite as legitimate or as thorough. I 24 want to challenge that. 25 In the last couple of years down in</p>	<p style="text-align: right;">69</p> <p>1 level with the will of 170 folk from all over 2 everywhere, most of whom are not from Mecklenburg 3 or Wake or Durham or Perquimans, or wherever the 4 next flashpoint will be. We should be very, very 5 careful when we exercise our constitutional 6 authority to intervene in localities. 7 Now, there was a time when my colleagues 8 that ride the elephant would always talk about 9 local control and the importance of local control. 10 I want to remind them that that principle which you 11 used to champion and hold up, that principle is 12 still an important principle and should not be 13 forgotten in this debate. 14 I also want to remind you that there are 15 a lot of cities that already have adopted the kind 16 of legislation that you -- that we seek to outlaw 17 in this bill. I don't know how many of you may 18 have traveled down to the state of Florida and have 19 gone to Disney World or Universal Studios or 20 whatnot. You know that's -- all of those in a 21 little town called Orlando that has the same kind 22 of ordinance that Charlotte has adopted. And I 23 don't think any of you had any problems when you 24 went to the toilets down there. Or any of your 25 constituents have reported predators lurking around</p>

<p style="text-align: right;">70</p> <p>1 Shamu's pool. You know, it just hasn't been a 2 issue.</p> <p>3 I don't know how many of you may have 4 gone down to Myrtle Beach, where they have a 5 similar ordinance, or gone down to Charleston, 6 where they have a similar ordinance. The point 7 that I'm making is that this is not really new 8 ground that is being plowed. I mean, I have 9 received -- as have you, I am sure -- phone calls, 10 text messages, e-mails, you know, from citizens who 11 have been fearful of what might happen at their 12 schools, what might be happening out in the park, 13 what might be happening in various and sundry 14 places. It created these scenarios of fear. We 15 should not be playing into fear.</p> <p>16 I don't know how many millions of people 17 go to Disney World or Universal Studios. It's a 18 lot. And yet, nothing like what we've been hearing 19 in this debate, from some quarters, has ever 20 happened.</p> <p>21 We should, ladies and gentlemen, vote 22 against this measure. Because from all counts, 23 whether you're talking about contracting, whether 24 you're talking about the ability of people in a 25 given locality to want to create a higher standard</p>	<p style="text-align: right;">72</p> <p>1 aspects -- two problems with this bill. The first 2 problem results from the convoluted and rushed 3 process by which the bill has found its way to us, 4 in which many members -- perhaps most members -- 5 did not even see the language of it until this 6 morning.</p> <p>7 And now, as I understand the leadership's 8 intent, it is to run it through this body and then 9 send it right over to the Senate, where it's going 10 to have a rushed committee process and go through 11 the Senate today. I'm open to be enlightened if 12 there's going to be a more deliberative process, 13 and would be happy to hear so, but my understanding 14 is still that it's going to happen this day. And 15 my experience here, in over a decade, has been, 16 regardless of which party is in charge, that rushed 17 legislation, a rushed process, leads to mistakes 18 and omissions. It can lead to laws that have bad 19 effects that we did not intend, and that we could 20 have avoided with more deliberation and more 21 consideration.</p> <p>22 And I would submit to you, members, that 23 the omission of veteran status from our state's new 24 anti-discrimination policy is one of those 25 mistakes. I do think every member here, even my</p>
<p style="text-align: right;">71</p> <p>1 in how they deal ethically with their businesses, 2 whether you're talking about who's on first in 3 going to the outhouse. However you want to cut the 4 cake, these are decisions that should be left to 5 local governments -- to local people, and should 6 not be relegated to us spending \$42,000 a day to 7 debate this stuff up here in Raleigh.</p> <p>8 I appreciate you listening to me. I hope 9 some of you will vote with me, and I'm going to 10 vote red when it comes up. And hopefully we can 11 change the number up. Everything -- I've noticed 12 it's been going like thirty-some-odd folk to 13 seventy-some-odd folk. I don't know how many 14 people came up here with their minds made up, but I 15 trust that some of this debate and discussion will 16 allow you to see the light at the end of the 17 tunnel, and vote against this totally unnecessary 18 measure. Thank you, Mr. Speaker.</p> <p>19 SPEAKER MOORE: For what purpose does the 20 gentleman from Wake, Representative Martin, arise? 21 REP. MARTIN: To debate the bill.</p> <p>22 SPEAKER MOORE: The gentleman has the 23 floor to debate the bill.</p> <p>24 REP. MARTIN: Thank you very much, Mr. 25 Speaker. Members, I want to talk about two</p>	<p style="text-align: right;">73</p> <p>1 Marine friend from Wake County who spoke of -- who 2 moved to table my amendment, would, upon 3 consideration and education, understand why we do 4 need to be able to protect discrimination on the 5 basis of veteran status.</p> <p>6 One of the things that we have found, 7 particularly in the employment context -- but also, 8 in some cases, in the public accommodations 9 context, is that veterans are at risk of some 10 discrimination. There is a perception -- one that 11 is inaccurate -- particularly of veterans from the 12 current conflicts in Iraq and Afghanistan, that 13 we've all come back somehow scarred mentally from 14 the experience, and are unstable. In many folks' 15 minds, that perception could lead to a desire to 16 quietly bar a veteran from their premises if they 17 have a Marine or Army tattoo, or so forth.</p> <p>18 It's also clearly an issue in the 19 employment context. And that's why you see at the 20 federal level, most state levels -- many state 21 levels, rather -- and certainly in local levels, 22 you do see discrimination, both in public 23 accommodations and in employment, prohibited. And 24 that's something that some counties in North 25 Carolina have chosen to do.</p>

<p style="text-align: right;">74</p> <p>1 Like it or not, this bill we have before 2 us pretty clearly will repeal any ordinance -- any 3 city, county ordinance or local government 4 ordinance -- including, like the one in Orange 5 County, and probably several other counties. 6 That's going to happen, and that's something, I 7 think, if we'd had a more deliberative process, we 8 could have come to a bipartisan agreement that we 9 could have put in there. 10 But let me talk about something that 11 really goes to the heart of this legislation, and 12 why it is a horrific policy. What this legislation 13 will do, in the end, will make it very clear that 14 it is not against the law in North Carolina, 15 anywhere in our state, to discriminate on the basis 16 of sexual orientation. And at a time in our 17 nation's history where our men and women, gay and 18 straight, are still fighting, and still dying to 19 protect our right to come here on short notice and 20 blow hot air in the name of democracy, it is 21 abhorrent to discriminate against them. 22 Ladies and gentlemen, this nation has 23 not -- this is not the first time we've done this. 24 In the past, we have sent a class of people off to 25 war to defend our rights, and yet discriminated</p>	<p style="text-align: right;">76</p> <p>1 about municipal law, and I really didn't until I 2 got down here, we are what is called a Dillon Rule 3 state. That means the cities and counties only get 4 the authority we delegate to them. They can't just 5 take off and do home rule. Those of you who are 6 talking about, well, let these people back at home 7 do whatever they want to, they know what's best. 8 But that's not how it's done. 9 In addition, this particular ordinance 10 didn't purport to just take place in Charlotte or 11 Mecklenburg County. It purported to take place in 12 all the public schools that are run by the State. 13 It purported to take place in private business 14 facilities, if they want to do business with the 15 State. It purported to do with businesses who are 16 in other counties that might want to do business 17 with Charlotte. It far overstepped its bounds. 18 We can go back to this -- the same thing 19 we had to do with Durham County one time, when 20 Durham County was attempting to establish a minimum 21 wage. That was not within their realm. So this is 22 truly about one privacy. That is an overreaching 23 concern that we've had, people's right to privacy 24 in completing a private function. And the second 25 is, cities and counties, don't overreach. You've</p>
<p style="text-align: right;">75</p> <p>1 against them when they've returned to our country. 2 I contend that that is one of the greatest 3 injustices ever perpetrated on a class of people in 4 our country. It was wrong then, and it is wrong 5 when we do it again today, and I will be voting no. 6 SPEAKER MOORE: For what purpose does the 7 lady from Surry, Representative Stevens, arise? 8 REP. STEVENS: To speak on the bill. 9 SPEAKER MOORE: The lady has the floor to 10 debate the bill. 11 REP. STEVENS: Members of the House, make 12 no doubt about it. This bill is not about 13 discrimination. This bill was passed because 14 Charlotte did an ordinance that would be effective 15 prior to us entering regular session. There's been 16 this talk about the cost of this session, \$42,000. 17 That is a drop in a bucket compared to the 18 litigation that we would have to go through, and 19 that the State has been through several times, with 20 many counties and municipalities, only to have the 21 Court of Appeals tell them, 'You can't overreach, 22 counties. You can't overreach, cities. You have 23 limited authority; stay within it.' That's what 24 we're here about. 25 For those of you who don't know a lot</p>	<p style="text-align: right;">77</p> <p>1 got your authority. 2 Now, there was this discussion of the 3 person who went door-to-door, politicking so that 4 she could get this changed in her county. Well, 5 that's the problem. It's not just her county; it's 6 the state. If she wanted that authority, she needs 7 to be going door-to-door and getting all her 8 friends together to replace everybody in this body, 9 because that's where the authority lies. I'd ask 10 that you vote for this bill. 11 SPEAKER MOORE: For what purpose does the 12 gentleman from Orange, Representative Meyer, arise? 13 REP. MEYER: To speak on the bill. 14 SPEAKER MOORE: The gentleman has the 15 floor to debate the bill. 16 REP. MEYER: Thank you, Mr. Speaker. I'm 17 going to save Representative Bishop from my second 18 question, but go ahead and continue the debate that 19 we had there for a second. Representative Bishop 20 suggested that the deliberative process of this 21 body is superior to the deliberative process of 22 local elected bodies. He ran through what it takes 23 to get a bill passed in this body, and compared it 24 to what -- something that, quote, "a handful of 25 people can do through a locally elected body."</p>

<p style="text-align: right;">78</p> <p>1 I would simply like to point out to the</p> <p>2 people of North Carolina that in the record of the</p> <p>3 Charlotte City Council debate on the ordinance</p> <p>4 we're discussing, there are 214 pages of official</p> <p>5 record, and 28 attachments. Whereas,</p> <p>6 Representative Bishop's own bill that we're hearing</p> <p>7 today was only introduced to us at 10 a.m. this</p> <p>8 morning, and will be passed in just a handful of</p> <p>9 hours.</p> <p>10 So apparently, the people of North</p> <p>11 Carolina need to understand that if you would like</p> <p>12 to have a bill put through this deliberative body,</p> <p>13 you don't really need the whole process that he</p> <p>14 outlined. What you need is a majority party who's</p> <p>15 willing to call a special session and push a bill</p> <p>16 through in one day only for the purpose of</p> <p>17 discriminating against the residents of our own</p> <p>18 fine states. I urge you to vote against the bill.</p> <p>19 SPEAKER MOORE: For what purpose does the</p> <p>20 lady from New Hanover, Representative Hamilton,</p> <p>21 arise?</p> <p>22 REP. HAMILTON: To debate the bill.</p> <p>23 SPEAKER MOORE: The lady has the floor to</p> <p>24 debate the bill.</p> <p>25 REP. HAMILTON: Okay. Thank you, Mr.</p>	<p style="text-align: right;">80</p> <p>1 from Fiscal Research is this: the Human Relations</p> <p>2 Commission was placed on a continuation review.</p> <p>3 They are currently on non-recurring funding, and</p> <p>4 the General Assembly will have to decide whether to</p> <p>5 appropriate recurring money to this Commission in</p> <p>6 the short session, or else the Commission will be</p> <p>7 eliminated. So unless this body acts during the</p> <p>8 short session to fully fund, in a recurring way,</p> <p>9 the Human Relations Commission, then there'll be no</p> <p>10 place for people who feel they've been</p> <p>11 discriminated against to come and make their case</p> <p>12 in North Carolina.</p> <p>13 I assure you many North Carolinians are</p> <p>14 going to be watching what we do in the short</p> <p>15 session regarding the Human Relations Commission.</p> <p>16 I will be one of them, I will be here, and I will</p> <p>17 not be letting this issue go.</p> <p>18 The second thing -- and this has already</p> <p>19 been brought up by Representative Michaux, but I</p> <p>20 wanted to put a little finer point on it. In G.G.</p> <p>21 versus Gloucester County School Board, on November</p> <p>22 2nd of 2015, the courts ruled this: the United</p> <p>23 States Department of Education's Office of Civil</p> <p>24 Rights has determined that a school or school</p> <p>25 district that violates Title IX when it fails to</p>
<p style="text-align: right;">79</p> <p>1 Speaker. And where do I begin? I was one of those</p> <p>2 people driving up here this morning, having not</p> <p>3 seen the specifics of the bill, yet who was</p> <p>4 clearly, you know, quite unsure as to how I was</p> <p>5 going to vote. I am, after all, a mother and, as a</p> <p>6 parent, all parents want what's best for their</p> <p>7 children, and certainly we want to protect our</p> <p>8 children against any evil that may lurk out there.</p> <p>9 By the way, it can happen anywhere. But then I saw</p> <p>10 the bill, and read through it, and I asked quite a</p> <p>11 few questions in committee. And I want to thank</p> <p>12 Chairman Blackwell for his lenience in letting us</p> <p>13 ask a lot of questions this morning.</p> <p>14 I've discovered, through Fiscal Research,</p> <p>15 that the investigations and conciliations portion</p> <p>16 of the bill -- it's on Page 5, Line 22 -- this</p> <p>17 "Human Relations Commission and the Department of</p> <p>18 Administration shall have the authority to receive,</p> <p>19 investigate, and conciliate complaints of</p> <p>20 discrimination in public accommodations."</p> <p>21 Representative Richardson asked a very</p> <p>22 good question during the committee hearing, and she</p> <p>23 asked, has that division -- that Commission,</p> <p>24 indeed, been funded by the department -- in the</p> <p>25 current budget cycle. The answer to the question</p>	<p style="text-align: right;">81</p> <p>1 provide access to restrooms and locker rooms</p> <p>2 consistent with a transgender student's gender</p> <p>3 identity. That's less than six months ago that the</p> <p>4 courts have ruled that that is a violation --</p> <p>5 REP. BISHOP: Mr. Speaker?</p> <p>6 REP. HAMILTON: -- of Title IX.</p> <p>7 SPEAKER MOORE: For what purpose does the</p> <p>8 gentleman from Mecklenburg, Representative Bishop,</p> <p>9 arise?</p> <p>10 REP. BISHOP: To ask a question of the</p> <p>11 Representative.</p> <p>12 SPEAKER MOORE: Does the lady from New</p> <p>13 Hanover yield to the gentleman from Mecklenburg?</p> <p>14 REP. HAMILTON: I do not.</p> <p>15 SPEAKER MOORE: The lady has the floor to</p> <p>16 continue her remarks.</p> <p>17 REP. HAMILTON: Thank you. So, how does</p> <p>18 that relate to North Carolina? What that does is</p> <p>19 put close to \$4 billion at risk in education</p> <p>20 funding in our state. If we are threatened with a</p> <p>21 Title IX violation, and I feel very confident that</p> <p>22 we probably will be, just like Tennessee is</p> <p>23 currently grappling with the same issue, then we</p> <p>24 put at risk \$4 billion of Title IX funding toward</p> <p>25 public education at all levels. I think you really</p>

<p style="text-align: right;">82</p> <p>1 ought to consider this in your -- your review of 2 this bill. You ought to consider the most recent 3 ruling in this regard, and you should vote against 4 this.</p> <p>5 SPEAKER MOORE: For what purpose does the 6 gentleman from Cumberland, Representative Lucas, 7 arise?</p> <p>8 REP. LUCAS: To debate the bill.</p> <p>9 SPEAKER MOORE: The gentleman has the 10 floor to debate the bill.</p> <p>11 REP. LUCAS: Thank you, Mr. Speaker.</p> <p>12 Ladies and gentlemen, I have sat very attentively 13 as the debate has gone on, and as I've tried to 14 decipher how I could best relate to this bill. I 15 have not had the opportunity to even know what the 16 bill might contain, other than what I heard in the 17 media relative to restroom privileges, Section 1. 18 I think I heard that distinctly prior to coming 19 here. Sections 2 and 3, I knew nothing about until 20 today.</p> <p>21 Regarding all three of those sections, 22 suffice it to say that in Section 1, I pretty much 23 know that we ought to be human beings first, and 24 that we ought to do everything within our power to 25 limit opportunities for perversion or mistreatment.</p>	<p style="text-align: right;">84</p> <p>1 subservient to us. They are elected bodies, as we 2 are, and I do not know what's best for Mecklenburg 3 County. I will try my best to represent Cumberland 4 County, because that's who elected me.</p> <p>5 We have to judge decisions that we make 6 here based on some previous experience. I 7 understand that there are such ordinances in a 8 sister state, like South Carolina, which is right 9 next to us, and I'm not aware of any problems that 10 they've encountered simply because they have 11 implemented good old common sense. And that's what 12 it takes. Common sense. I don't want to be in the 13 position of telling county commissioners, I know 14 much more about how to run your county than you do; 15 or to tell city councils, I have a better, a 16 greater, understanding of what you ought to be 17 doing, what you ought to be implementing, than you 18 know at that local level. So I think we need to 19 think long and hard about this decision. Thank 20 you.</p> <p>21 SPEAKER MOORE: For what purpose does the 22 lady from Wilson, Representative Martin, arise?</p> <p>23 REP. MARTIN: To debate the bill.</p> <p>24 SPEAKER MOORE: The lady has the floor to 25 debate the bill.</p>
<p style="text-align: right;">83</p> <p>1 And we get sometimes really emotional about 2 children. Probably everybody that has children, or 3 have had children, and none of us want to expose 4 our children to this kind of circumstance. That's 5 just common sense. We don't want that.</p> <p>6 And I don't know if any amount of 7 legislation is going to prevent those who have 8 ulterior motives from attempting to implement those 9 motives. We just simply have to deter them as best 10 we can. And we'll all be committed to doing just 11 that. We all love our children.</p> <p>12 As to how we handle the other sections of 13 that bill, that is micromanaging. That greatly 14 disturbs me. We all have a -- most of us, I should 15 say, let me qualify that, most of us have reached 16 the consensus that government is best when it's 17 handled at the lowest level possible. Ordinances 18 enacted by our cities and our counties, we ought to 19 respect, because they are close to the people that 20 they govern. We have railed, here at the state 21 level, about big brother federal government handing 22 down mandates, and expecting us to comply. 23 Probably all of us have railed against that, but 24 now it seems like we want to do the very same thing 25 and pass the buck on down to those who are</p>	<p style="text-align: right;">85</p> <p>1 REP. MARTIN: Thank you, Mr. Speaker.</p> <p>2 I'd just like to share some appreciation to the 3 work committee, and the folks who put a lot of 4 effort into drafting this legislation. And as a 5 mother of two teenage daughters who've been in the 6 schools recently -- and that, as often happens 7 around our family, we talk about what's going on. 8 What are you up to? What's happening at work? And 9 we talked about this issue, and that -- just the 10 appall that they had at the idea of it being wide 11 open for anyone to come into the restrooms at 12 school.</p> <p>13 And I understand there were certain 14 intentions that perhaps they were trying to do 15 locally, but the result was just wide open ability, 16 without any discrimination at all, for anyone to 17 walk into either restroom at any time. So I would 18 just like to say thank you for this legislation, 19 and the common sense approach to protecting 20 everyone's privacy, and I think this is important.</p> <p>21 It's common sense. It protects the 22 privacy for every citizen in this state, and that's 23 important. And I do also support that we have a -- 24 a local control as much as possible, and that we 25 support those things that our local governments</p>

<p style="text-align: right;">86</p> <p>1 have the authority to do. And the more clear that 2 we can be, that we have given this authority, and 3 not that authority, then the less time that they 4 have to waste, and that we waste. And so I think 5 it's important that we clearly lay out, what 6 authority has been given and not given, and that 7 those things that have statewide importance are 8 handled at the state level. 9 But -- but most importantly, I just 10 wanted to rise as a mother and a parent of -- of 11 daughters, and thank you for protecting our 12 privacy, and urge you to support the bill. 13 SPEAKER MOORE: For what purpose does the 14 lady from Orange, Representative Insko, arise? 15 REP. INSKO: To debate the bill. 16 SPEAKER MOORE: The lady has the floor to 17 debate the bill. 18 REP. INSKO: Thank you, Mr. Speaker. 19 Ladies and gentlemen of the House, this is wrong. 20 This is bad wrong. We're sent up here to solve 21 problems, not to create them. This bill is 22 supposed to protect girls and women. This bill 23 doesn't protect transgender girls or transgender 24 women. Transgender girls, now, who will be forced 25 to go into the male bathroom, or the male's locker</p>	<p style="text-align: right;">88</p> <p>1 cell disease. It's a local state issue. It's not 2 a federal issue, but it's appropriate, for we 3 have -- that we have that here, because we have a 4 large population of people with sickle cell 5 disease. I was the health program administrator 6 for the UNC Sickle Cell Program, which was part of 7 a Duke UNC Sickle Cell Center. We have a large 8 population here, and a lot of support for that 9 population. 10 A lot of good research has gone into this 11 state, and we have a local population that needs 12 this protection, and we have a -- a state law that 13 protects that population. It's a local issue. It 14 is a state issue. Just like this is a local issue. 15 This is a bad bill. It's a wrong -- it's wrong to 16 do. Please vote no. 17 SPEAKER MOORE: For what purpose does the 18 gentleman from Wake, Representative Dollar, arise? 19 REP. DOLLAR: To debate the bill. 20 SPEAKER MOORE: The gentleman has the 21 floor to debate the bill. 22 REP. DOLLAR: Thank you, Mr. Speaker, 23 Members of the House. I have tried to listen very 24 carefully to the debate in Committee and to the -- 25 the debate on this floor. And let me respond first</p>
<p style="text-align: right;">87</p> <p>1 room. Are they going to be treated well? 2 The only thing I can think of that's good 3 about this, is that we're finally talking about it 4 in public. That means our consciousnesses are 5 being raised. There was a time when we didn't know 6 someone who was gay; now, we all know someone who 7 is gay, and have gay friends. There was a time 8 when we didn't know anyone who was transgender. 9 Someday, that will be -- we'll be all familiar with 10 that issue, and tolerant of it. But for now, we're 11 really struggling, and I think this is a -- the 12 debate, I hope, will make us think about who we 13 really are trying to protect. 14 This is a -- this is a local issue. We 15 have a lot more gay and transgender bisexual people 16 in Orange County. It's a tolerant community, so 17 why shouldn't we be able to have a local ordinance 18 that we choose, that protects the population that 19 lives in Orange County? Just looking at this 20 Section 3 that we talked about before, about how 21 this removes state protections against 22 discrimination; because, after all, everyone can go 23 to the federal court. 24 You may not know this, but in North 25 Carolina, our state laws protect people with sickle</p>	<p style="text-align: right;">89</p> <p>1 to a couple of issues that have been thrown out. 2 One, Representative Hamilton mentioned 3 the issue of a continuation review for the Human 4 Relations Council. Well, I know of no continuation 5 review, not in my time in this Chamber, that didn't 6 result in the program being continued. More 7 importantly, a continuation review means that we're 8 examining the program. This provision would 9 actually help enhance the Human Relations 10 Commission, and the money is already provided to 11 continue that function in the second year of the 12 biennium. The money has already been funded, so 13 it's there, and not in any jeopardy. 14 There was a question that was raised with 15 respect to Title IX, and -- and I would again point 16 out from Title IX itself, which is obviously a very 17 long title, but "Nothing contained herein shall be 18 construed to prohibit any educational institution 19 receiving funds under this act from maintaining 20 separate living facilities for the different 21 sexes," and then particularly under Title IX's 22 regulation, under the Code of Federal Regulation, 23 it specifically states, "A recipient may provide 24 separate toilet, locker room and shower facilities 25 on the basis of sex."</p>

<p style="text-align: right;">90</p> <p>1 So if there was a Title IX issue, the</p> <p>2 Charlotte ordinance would certainly not be the</p> <p>3 remedy for that. That would be an issue that we</p> <p>4 would have to deal with at the state level. So</p> <p>5 that is sort of another red herring in this.</p> <p>6 There was an issue raised with respect to</p> <p>7 veterans, and I would only comment that I'm sure</p> <p>8 the gentleman is well aware of the myriad of</p> <p>9 veteran protections that we have in this state.</p> <p>10 Now, let me mention just a couple. We have 60, 60</p> <p>11 local veterans' services offices in this state.</p> <p>12 There is specific protection, employment</p> <p>13 protection, for veterans as well as members of --</p> <p>14 of the National Guard. And I have worked with</p> <p>15 those in real life, from my time in state</p> <p>16 government, I know they are there, and I know what</p> <p>17 those provisions are, and they are ample and in no</p> <p>18 way diminished by anything in this legislation.</p> <p>19 Now, Representative Stevens very well</p> <p>20 stated the issue with respect to timeliness and</p> <p>21 cost. The reason why we're acting now is that what</p> <p>22 we do today will save not only the cost of any</p> <p>23 litigation there would have to be brought to</p> <p>24 address the Charlotte ordinance, but also deals</p> <p>25 with their April 1st enactment date. They could</p>	<p style="text-align: right;">92</p> <p>1 That is an interpretation that our</p> <p>2 Supreme Court has stated again and again and again</p> <p>3 in a variety of cases, and it is how our government</p> <p>4 in North Carolina is structured. And I would note</p> <p>5 that no one in here in this debate -- I have yet to</p> <p>6 hear in the hours or so that we've debated this, no</p> <p>7 one has cited a specific local authority that the</p> <p>8 General Assembly has enacted that would allow for</p> <p>9 this local ordinance to be put in place by the City</p> <p>10 of Charlotte or any other municipality. They lack</p> <p>11 specific statutory authority to do what they did.</p> <p>12 Members of this House, let me just say</p> <p>13 this. Our cities, our counties do a tremendous</p> <p>14 function for us in this state. They do a</p> <p>15 tremendous job, and we want them to continue to</p> <p>16 focus on those issues -- police, fire, parks,</p> <p>17 recreation, economic development, water,</p> <p>18 wastewater, recycling, sidewalks -- all of those</p> <p>19 issues which have been clearly delegated to the</p> <p>20 local municipalities, to the counties, as well as</p> <p>21 other functions, specific by this body, by the</p> <p>22 General Assembly of this state. They need to work</p> <p>23 to hone those functions, to provide those services</p> <p>24 to the citizens, and we do not need any municipal</p> <p>25 government acting outside of its appropriate</p>
<p style="text-align: right;">91</p> <p>1 have delayed that. Charlotte could have delayed</p> <p>2 that and allowed the General Assembly, in its</p> <p>3 normal course, to come in and to consider the</p> <p>4 matter. They chose not to do that. So what we are</p> <p>5 doing is both timely and cost-effective.</p> <p>6 But the real issue, for me, anyway, when</p> <p>7 I looked at this, and it first came up, and the</p> <p>8 first discussion about enacting -- looking at this,</p> <p>9 gets back to what is the function of a local</p> <p>10 municipality, a county or a city? And I would just</p> <p>11 quote from a recent court -- court case, in the</p> <p>12 last few years, from the North Carolina Supreme</p> <p>13 Court -- the Lanvale decision, which was a decision</p> <p>14 regarding beyond taking zoning, certain statutes,</p> <p>15 and trying to construe them to mean more than what</p> <p>16 they actually meant.</p> <p>17 And the Court stated this: "In the</p> <p>18 exercise of ordinary governmental functions,</p> <p>19 counties and cities are simply agents of the state,</p> <p>20 constituted for the convenience of local</p> <p>21 administration in certain portions of the state's</p> <p>22 territory. And in the exercise of such functions,</p> <p>23 they are subject to almost unlimited legislative</p> <p>24 control, except where this power is restricted by</p> <p>25 constitutional provision."</p>	<p style="text-align: right;">93</p> <p>1 authority, particularly when they are seeking to</p> <p>2 make political statements. And I would ask you to</p> <p>3 vote for the bill. Thank you.</p> <p>4 SPEAKER MOORE: For what purpose does the</p> <p>5 lady from Franklin, Representative Richardson,</p> <p>6 rise?</p> <p>7 REP. RICHARDSON: Thank you, Mr. Speaker;</p> <p>8 to debate the bill.</p> <p>9 SPEAKER MOORE: The lady is recognized to</p> <p>10 debate the bill.</p> <p>11 REP. RICHARDSON: If I'm correct, today</p> <p>12 in our committee meeting, I think I understood the</p> <p>13 bill presenter to make the statement that, in order</p> <p>14 to use the appropriate bathrooms, that you needed</p> <p>15 to change your birth certificate to identify with</p> <p>16 whatever transgender identity that you were to</p> <p>17 identify with.</p> <p>18 And the thought that has come to my mind,</p> <p>19 is, if that's the case, then those, quote,</p> <p>20 "perverts" [sic] that we are saying would raid our</p> <p>21 women's bathroom, and go in and hurt our children;</p> <p>22 what's to stop them from changing their birth</p> <p>23 certificate? Because nothing in here says that</p> <p>24 anybody has to have any type of ID or anything to</p> <p>25 change their birth certificate. So are we really</p>

<p style="text-align: right;">94</p> <p>1 protecting, or are we giving people who would do 2 harm another avenue to access our children? 3 Because if I could just change my birth certificate 4 and go in any bathroom I wanted to, then anybody 5 can do that. 6 So I was wondering if there is any 7 requirements for someone changing their birth 8 certificate, or will the schools monitor that birth 9 certificate? Or how will we know that I didn't 10 just change my birth certificate because I wanted 11 to go in the girls' bathroom? Thank you. 12 SPEAKER MOORE: For what purpose does the 13 gentleman from Guilford, Representative Blust, 14 arise? 15 REP. BLUST: To see if Representative 16 Bishop -- 17 SPEAKER MOORE: Representative -- 18 Representative Bishop is at the speaker's dais 19 right now. Does the gentleman wish to debate the 20 bill, or does the gentleman -- 21 REP. BLUST: No, I'll -- I'll direct my 22 question to Representative Stam. 23 SPEAKER MOORE: Does the gentleman from 24 Wake yield to the gentleman from Guilford? 25 REP. STAM: I do.</p>	<p style="text-align: right;">96</p> <p>1 extremely broad. It affected every business that 2 wants to do business with Charlotte by contracting 3 with Charlotte, so I -- I would say it was economic 4 imperialism. 5 SPEAKER MOORE: For what purpose does the 6 gentleman from Durham, Representative Hall, arise? 7 REP. HALL: To speak on the bill the 8 first time. 9 SPEAKER MOORE: The gentleman has the 10 floor to debate the bill. 11 REP. HALL: Thank you, Mr. Speaker, and I 12 appreciate the opportunity to speak on this bill 13 the first time. And I wanted to look at a couple 14 of things, and -- and make it real simple, because 15 we've made it a little bit more complicated in the 16 discussion of this bill. 17 We've created a special session, and 18 we've all acknowledged, although we thought we were 19 going to get a look at the bill last night, that we 20 had an official five-minute period to read the bill 21 in the committee meeting today. 22 Now, Representative Bishop made a big 23 deal about the fact of all the different hoops and 24 steps you would go through for a bill in this 25 General Assembly to pass. Some people might would</p>
<p style="text-align: right;">95</p> <p>1 SPEAKER MOORE: He yields. 2 REP. BLUST: Representative Stam, I had 3 two understandings about this, that I -- I don't -- 4 I want to be sure about, about this matter. 5 Representative Dollar just covered one, which was 6 the fact that what the -- the Charlotte ordinance 7 absolutely went beyond what was already permitted 8 by law, and we're just making it clear, what that 9 law that already exists is. 10 The other one is -- is, as I understood 11 it, is the Charlotte ordinance didn't just affect 12 Charlotte. And I want to be sure on this, that 13 that ordinance affected anyone who -- from the 14 state who visited Charlotte, or who did business in 15 Charlotte, and hence, it had statewide 16 implications, and that the legislature that 17 represents the entire state, therefore, is the 18 proper forum in which this kind of matter can be 19 corrected. 20 REP. STAM: That -- that is correct, 21 Representative Blust. The -- that ordinance 22 affected anyone who traveled through Charlotte. It 23 affected all the business owners, the non-profit 24 owners, because of their place -- their place of 25 public accommodation, the -- the definition was</p>	<p style="text-align: right;">97</p> <p>1 call that partially due diligence. That's not what 2 happened with this bill, though. 3 Let's go back and review what happened. 4 Folks got a look at this bill this morning, and we 5 are here today on this floor. It didn't go to a 6 second committee, didn't go to a third committee, 7 didn't have a notice to public hearing on it, 8 didn't have any of those protections. So let's not 9 get confused what normally happens around here with 10 what happened with this bill. 11 Now, for some reason we decided we had to 12 have a special session. And yes, we're going to 13 spend \$42,000, but that's not the real cost of this 14 bill. We know everybody in here. I don't know 15 what your billing rate is, or what revenue or 16 income you're sacrificing, or how much time it took 17 you to get here, or what responsibilities you had 18 in your community that you won't be able to 19 discharge because you're here, but add that on top 20 of the \$42,000. That's the cost to your 21 communities, your family, and our state for us to 22 be here for a non-emergency. So we're here, and 23 someone said this is an emergency, even though 24 we're coming back on the 26th to do business -- 25 that this is an emergency, that we have to do all</p>

<p style="text-align: right;">98</p> <p>1 of that upheaval right now.</p> <p>2 Well, if it's an emergency, what is the</p> <p>3 standard for it to be an emergency session? We've</p> <p>4 done this twice; once in 1981 when there was an</p> <p>5 error that we made in an adjournment resolution,</p> <p>6 and we had a member-demanded session to come back</p> <p>7 and correct the adjournment resolution for the</p> <p>8 legislature. And this is the second time.</p> <p>9 So what makes this, in the history of</p> <p>10 North Carolina, so important that we should come</p> <p>11 back and use that -- you know, some people call</p> <p>12 that trickeration. But it is a legal methodology</p> <p>13 to call a session. So it's legal, and we can do</p> <p>14 it, and so we did it. But what made this rise to</p> <p>15 the level of being an emergency, that we have a</p> <p>16 special session?</p> <p>17 Now, 500,000 North Carolinians who could</p> <p>18 get health care if we increase our Medicaid, they</p> <p>19 might say, well, that's an emergency. Five hundred</p> <p>20 thousand North Carolinians who should get health</p> <p>21 care, they may say that's an emergency. How about</p> <p>22 our teachers that are moving out of the state,</p> <p>23 because they can't --</p> <p>24 REP. STEVENS: Mr. Speaker?</p> <p>25 REP. HALL: -- get paid a decent wage.</p>	<p style="text-align: right;">100</p> <p>1 That is the discretion of the members who said,</p> <p>2 this is important. The people of North Carolina</p> <p>3 didn't say it was important enough to do that. The</p> <p>4 teachers who are leaving the state because their</p> <p>5 salaries are not sufficient for their families to</p> <p>6 live and work in -- in this state of North</p> <p>7 Carolina, they didn't say that. The people who</p> <p>8 want to improve education, they didn't say that.</p> <p>9 REP. LEWIS: Mr. Speaker?</p> <p>10 REP. HALL: Why, all of a sudden, is it</p> <p>11 important that this item --</p> <p>12 SPEAKER MOORE: Representative Hall, the</p> <p>13 gentleman will please suspend. For what purpose</p> <p>14 does the gentleman from Harnett, Representative</p> <p>15 Lewis, rise?</p> <p>16 REP. LEWIS: Point of order. I don't</p> <p>17 believe the gentleman is speaking on the merits</p> <p>18 contained within the House Bill 2, which is before</p> <p>19 the Chamber.</p> <p>20 SPEAKER MOORE: The Chair will -- will in</p> <p>21 this case rule that the gentleman's comments have</p> <p>22 drifted pretty far astray from being germane to the</p> <p>23 bill. If the gentleman will please contain his</p> <p>24 remarks germane to the bill.</p> <p>25 REP. HALL: Thank you, Mr. Speaker. And</p>
<p style="text-align: right;">99</p> <p>1 They may say --</p> <p>2 SPEAKER MOORE: The gentleman will</p> <p>3 suspend. For what purpose does the lady from</p> <p>4 Surry, Representative Stevens, arise?</p> <p>5 REP. STEVENS: Point of order. Are we</p> <p>6 sticking --</p> <p>7 SPEAKER MOORE: The lady may state her</p> <p>8 point of order.</p> <p>9 REP. STEVENS: Just, are we sticking with</p> <p>10 the bill? Is this germane to the bill that's</p> <p>11 before us?</p> <p>12 SPEAKER MOORE: The lady's comments are</p> <p>13 duly taken by the Chair. The -- the Chair would</p> <p>14 ask the gentleman to temper -- to keep his remarks</p> <p>15 relevant to the bill at hand. I understand the</p> <p>16 gentleman is trying to talk about other priorities,</p> <p>17 but inasmuch as possible, germane to the bill at</p> <p>18 hand. The gentleman does have the floor to</p> <p>19 continue debate.</p> <p>20 REP. HALL: Thank you, Mr. Speaker,</p> <p>21 and -- and I hope I'll be granted the latitude to</p> <p>22 speak about the process regarding the bill as well?</p> <p>23 I'll take that as a yes. So what --</p> <p>24 REP. HALL: -- makes this be an important</p> <p>25 enough issue for us to call a special session?</p>	<p style="text-align: right;">101</p> <p>1 as we talk about the bill itself, and not the</p> <p>2 process by how it got here, apparently that's</p> <p>3 irrelevant that -- that we created this situation.</p> <p>4 Then let's talk about the bill itself.</p> <p>5 What is the bill doing? Is it expressing the will</p> <p>6 of the people? Is it addressing the issues of most</p> <p>7 importance to the people? Let's talk about the</p> <p>8 companies and the business interests in the</p> <p>9 community that employ the local people who said</p> <p>10 they support, by providing at their places of</p> <p>11 employment, protection. Carolinas HealthCare</p> <p>12 System, Wells Fargo, these are all private</p> <p>13 organizations, yes, and these are all organizations</p> <p>14 and businesses that work with the local community,</p> <p>15 and do the very thing that Representative Dollar</p> <p>16 said local communities are supposed to do: provide</p> <p>17 and participate in economic development. The very</p> <p>18 thing we do when we provide incentives to companies</p> <p>19 to come to North Carolina. Well --</p> <p>20 REP. BISHOP: Mr. Speaker?</p> <p>21 REP. HALL: -- Wells Fargo, Wal-Mart</p> <p>22 Stores --</p> <p>23 SPEAKER MOORE: Just a moment.</p> <p>24 REP. HALL: -- Bank of America --</p> <p>25 SPEAKER MOORE: To what purpose does the</p>

<p style="text-align: right;">102</p> <p>1 gentleman from Mecklenburg, Representative Bishop, 2 rise? 3 REP. BISHOP: To ask Representative Hall 4 a question. 5 SPEAKER MOORE: Does the gentleman from 6 Durham yield to the gentleman from Mecklenburg? 7 REP. HALL: Why, it would be my pleasure 8 to yield, as soon as I finish my comments. 9 SPEAKER MOORE: He doesn't yield at this 10 time. The gentleman from Durham has the floor to 11 continue debate. 12 REP. HALL: And -- and I would continue 13 the list: Bank of America, Novant Health Systems, 14 American Airlines, Food Lion, Harris Teeter 15 Supermarkets, Lowe's Companies, Duke Energy 16 Corporation, Apple, Siemens, AT&T, Microsoft, Bank 17 of America; all organizations and businesses that 18 help partner with us in the development of our 19 state, contributing to the education of our 20 children, developing a future that we all aspire to 21 have North Carolinians have an opportunity to 22 participate in. But yet and still, their expressed 23 preference, by making their workplaces safe for all 24 North Carolinians, are being ignored. And so what 25 would we expect that future companies would say if</p>	<p style="text-align: right;">104</p> <p>1 SPEAKER MOORE: For what purpose does the 2 gentleman from Wake, Representative Dollar, rise? 3 REP. DOLLAR: To see if the gentleman 4 would yield for a question. 5 SPEAKER MOORE: Does the gentleman from 6 Durham yield to the gentleman from Wake? 7 REP. HALL: Yes, Mr. Speaker, I'd be glad 8 to yield after my comments, after Representative 9 Bishop's -- 10 SPEAKER MOORE: He does not yield at this 11 time. The gentleman from Durham has the floor to 12 continue debating the bill. 13 REP. HALL: Thank you, Mr. Speaker. And 14 I think it's extremely important that we note 15 what's going on here. You know, as Republican 16 primary voters left the polls, they said they had a 17 60 percent disapproval rating for their Republican 18 leadership. And so now, we've created this 19 emergency fiction, and we're going to have an 20 emergency solution, that we haven't done our work 21 on in passing it. Again, a one-day bill, one 22 committee, an hour's hearing, five minutes for you 23 to review it, and you're getting ready to vote it 24 up or down based on floor debate, without a fiscal 25 note.</p>
<p style="text-align: right;">103</p> <p>1 all of our citizens can't be respected, our valued 2 employees can't be treated fairly? Then they won't 3 come to North Carolina and take a risk on that. 4 It gets even worse, though, because when 5 you think about it, South Carolina bests us again. 6 Can you believe it? South Carolina has enough 7 sense to be inclusive, and North Carolina, once 8 again, we're getting our lunch eaten by South 9 Carolina, over and over. 10 The fiscal note that was talked about; if 11 you don't have a fiscal note, how are we going to 12 make a responsible decision about this bill? What 13 is it really costing us? 14 I heard Representative Dollar say, "Well, 15 we're going to have funding available, although 16 it's under a continuation review." It's not in 17 this bill that guarantees there'll be funding 18 there. There's nothing in the bill that says that. 19 In the answer today to the committee, he indicated 20 there was funding there, it's taken care of. It's 21 not committed. It's not committed for this. It 22 may be there, it may not, and there's no 23 alternative way -- 24 REP. DOLLAR: Mr. Speaker? 25 REP. HALL: -- to address those issues.</p>	<p style="text-align: right;">105</p> <p>1 I can't say that's responsible. I'm not 2 sure any of you could say that's a responsible way 3 for us to legislate. I know you feel that you have 4 to vote a certain way, and many of us will have to, 5 but we would have hoped we could have done better 6 than this. Not economic development, not funding 7 for our schools, not health care for our citizens, 8 we came back to do this. It's really a shame that 9 we could do this to the people of North Carolina. 10 I'd ask that you vote against the bill. 11 SPEAKER MOORE: For what purpose does the 12 lady from Mecklenburg, Representative Cotham, rise? 13 REP. COTHAM: Thank you, Mr. Speaker; to 14 send forward an amendment. 15 SPEAKER MOORE: The lady's recognized to 16 send forth an amendment. The Clerk will read. 17 CLERK: Representative Cotham moves to 18 amend the bill on Page 3, Lines 24 through 25, by 19 inserting the following lines to read. 20 SPEAKER MOORE: The lady's recognized to 21 debate the amendment. 22 REP. COTHAM: Thank you, Mr. Speaker and 23 members. I hope that this is a clarifying 24 amendment. I have shown it to the bill sponsors, 25 and they are on board.</p>

<p style="text-align: right;">106</p> <p>1 You may recall I talked about if you are 2 a mother and have a very young child, could be an 3 infant, could be a three-year-old, and you need 4 that child to go into the restroom with you. Now, 5 this -- these children are not going to help you as 6 a parent, but for safety, you need them in there 7 with you, because what are you going to do with a 8 three-year-old or five-year-old? This simply 9 clarifies this, so that if you are a parent, and 10 you have a child up to the age of seven, that he or 11 she can accompany a parent or anyone who is caring 12 for that child -- could be a grandmother, could be 13 an aunt -- but I'm sure many of us who are parents, 14 we have been in this situation. So I ask for your 15 support. 16 SPEAKER MOORE: Further discussion or 17 debate on the amendment? The -- the gentleman from 18 Mecklenburg, Representative Bishop, is recognized 19 to debate the amendment. 20 REP. BISHOP: Thank you, Mr. Speaker. We 21 support the amendment. 22 SPEAKER MOORE: Further discussion, 23 further debate? If not, the question before the 24 House is the adoption of Amendment 3, set forth by 25 Representative Cotham. Those in favor of the</p>	<p style="text-align: right;">108</p> <p>1 to the General Statutes. 2 And so I thought I would just mention, 3 the real defining line for me is the 10th Amendment 4 to the U.S. Constitution, and that reads, "The 5 powers not delegated to the United States by the 6 Constitution nor prohibited by it to the states are 7 reserved to the states respectively, or to the 8 people." 9 And of course that flow then took me to 10 the State Constitution, to Article 7, Local 11 Government, and it reads, "The General Assembly 12 shall provide for the organization and government 13 and the fixing of boundaries of counties, cities, 14 and towns, and other governmental subdivisions, 15 and, except as otherwise prohibited by this 16 Constitution, may give such powers and duties to 17 counties, cities and towns and other governmental 18 subdivisions as it may deem advisable." That 19 certainly sounds like we are in the framework of a 20 valid constitutional consideration, and I plan to 21 support the bill. 22 SPEAKER MOORE: For what purpose does the 23 gentleman from Lee, Representative Reives, rise? 24 REP. REIVES: To debate the bill. 25 SPEAKER MOORE: The gentleman has the</p>
<p style="text-align: right;">107</p> <p>1 amendment will vote aye; those opposed to the 2 amendment will vote no. The Clerk will open the 3 vote. 4 (Votes recorded.) 5 SPEAKER MOORE: Representatives Speciale 6 and Malone, do the gentlemen intend to vote no on 7 this amendment that's been agreed to by all 8 parties? Okay. The Clerk will -- the Clerk will 9 lock the machine and record the vote. 107 having 10 voted in the affirmative, and none in the negative, 11 Amendment 3 is adopted. We're now back on the 12 bill. For what purpose does the gentleman from 13 Gaston, Representative Hastings, arise? 14 REP. HASTINGS: To debate, Mr. Speaker. 15 SPEAKER MOORE: The gentleman has the 16 floor to debate the bill. 17 REP. HASTINGS: And I had not planned to 18 speak, and I'll be very brief, Mr. Speaker. But I 19 have to admit, I've had to go through a 20 constitutional gut check today. I've had people 21 talk about local control and other issues, so I had 22 to go back to the delineation of power in my own 23 mind and let the people back home know what I'm 24 doing. And, of course, that flow of power is from 25 God to the people, and then to the Constitution and</p>	<p style="text-align: right;">109</p> <p>1 floor to debate the bill. 2 REP. REIVES: I, like, Representative 3 Hastings, wasn't intending to have any conversation 4 on this, but it -- we are still continuing a 5 pattern that I -- I wish we would take a second 6 look at. I understand Page 1 of this bill 7 perfectly. I don't know where the last four pages 8 of the bill came in, or came from, but I would say 9 that -- I would remind most of us in here, that 10 for -- everything we continue to say about local 11 counties -- local commissions, local city councils, 12 boards of education, a lot of us came up through 13 those ranks. A lot of us were good public servants 14 at the local level. 15 I think to continue to insinuate or 16 directly disparage people who have taken the time 17 to serve as our County Commissioners, our city 18 councilmen, our board of education members at other 19 times, is not the route that we want to continue to 20 go. I agree with Representative Lucas's earlier 21 statement, the lower the level of government that 22 can handle matters, the better off we are. 23 If we're going to continue down a path 24 where we're going to take over a lot of the local 25 functions, I just don't think that's the way to go,</p>

<p style="text-align: right;">110</p> <p>1 because at some point in time, we've got things 2 that are statewide issues that we've got to pay 3 attention to, and it took us 10 months last year to 4 handle just those matters. And so I would ask that 5 we take that into consideration as we're thinking 6 about our votes on this bill, and as we proceed 7 through the short session. 8 But I have to say I wholeheartedly 9 disagree with taking away local power, and I 10 wholeheartedly disagree with taking away a cause of 11 action for discrimination at a state level. 12 For those of us who are -- practice law 13 and for those who have ever been unfortunate enough 14 to be involved in a discrimination suit, getting a 15 federal discrimination suit started is not a simple 16 matter. If it were a simple matter, nobody would 17 care if you could have a state cause of action, and 18 so doing these type of things, I just don't think 19 are appropriate. I don't think that they have 20 anything to do with Page 1 of the bill, and I would 21 just ask you to keep those things in consideration. 22 REP. ARP: Mr. Speaker? 23 SPEAKER MOORE: For what purpose does 24 the -- 25 REP. ARP: Mr. Speaker?</p>	<p style="text-align: right;">112</p> <p>1 Charlotte, or any other municipality, or any other 2 county, that does something that's in direct 3 contravention with state law. 4 And I think we can address and we can 5 attack those issues and be done with those issues. 6 And I think that to just say, well, you've made a 7 mistake here, so we just think you shouldn't have 8 the authority anymore, might be a little 9 overreaching on our part. 10 REP. ARP: Follow-up? 11 SPEAKER MOORE: Does the gentleman yield 12 to an additional question? Representative Rieves, 13 does the gentleman yield to an additional question? 14 REP. REIVES: I was trying to think if I 15 would. Yes, sir, I will. 16 SPEAKER MOORE: He yields. 17 REP. ARP: Okay. Do you think when a 18 local municipality does not take the low bid on a 19 project because a contractor does not have that 20 policy in place regarding same-sex bathrooms, do 21 you think that's in violation of our -- of our 22 laws? 23 REP. REIVES: Well, again, candidly, I 24 think it's good that you bring that point up. But 25 in a 24-hour period, which is all that we've had</p>
<p style="text-align: right;">111</p> <p>1 SPEAKER MOORE: For what purpose does the 2 gentleman from Union, Representative Arp, arise? 3 REP. ARP: I wonder if my good friend, 4 Representative Reives, would yield to a question? 5 SPEAKER MOORE: Does the gentleman from 6 Lee yield to the gentleman from Union? 7 REP. REIVES: Happily. 8 SPEAKER MOORE: He yields. 9 REP. ARP: Thank you, Representative 10 Reives. I admire you greatly. I've heard a lot of 11 this theme that comes in here. I don't know if 12 you're aware -- the actual amendment that Charlotte 13 had passed, which would be applicable, actually 14 amends the statewide bid laws to where they would 15 be not required to take the lowest bidder in a 16 project, because they have not yielded to privacy 17 rights of bathrooms and -- and of that nature. Do 18 you support them not -- paying more for a contract 19 and -- in contravention to the state bidding laws, 20 in order to have generalist bathrooms? 21 REP. REIVES: No, and actually, I -- with 22 the great respect I have for you, Representative 23 Arp, and people on your side that have been able to 24 put together some bills, I think that we can 25 articulate and directly address problems with</p>	<p style="text-align: right;">113</p> <p>1 time to really review what we're doing to change 2 that law, I don't have enough information to tell 3 you. It sounds, from what you're saying, that 4 you're completely correct, but I do not know. And 5 I just don't know the answer, and I wish I did know 6 the answer. And I -- that's why I wish we were 7 doing this in the short session, when we had time 8 to sit around and talk about it. Thank you. 9 SPEAKER MOORE: For what purpose does the 10 lady from Carteret, Representative McElraft, rise? 11 REP. MCELRAFT: To speak on the bill. 12 SPEAKER MOORE: The lady has the floor to 13 debate the bill. 14 REP. MCELRAFT: Thank -- thank you, Mr. 15 Speaker and members. I wasn't going to say 16 anything, but I just wanted to let people know that 17 as a former three-term town commissioner, and a 18 county commissioner, there are lots of us that are 19 for this bill. And we don't feel like when we're 20 at our local duties, that this would give us any 21 reason to be mad at the State. 22 When I was a town Commissioner, we knew 23 there were certain things that we could do and 24 could not do, especially if we had a great town -- 25 town manager or county manager that reminded us of</p>

<p style="text-align: right;">114</p> <p>1 that, or county or -- or a city attorney. We knew 2 that we couldn't do environmental legislation; 3 that's a restriction on towns. We can't, even 4 though we'd like to, reduce some of the 5 restrictions the state has on septic tanks down at 6 the coast, we can't do that. That's 7 State-mandated. We were never given the authority 8 to do that.</p> <p>9 But I will let you know, that as a mother 10 and a grandmother of a fourteen-year-old 11 grandchild, this is about common sense. This is 12 about protecting, not from a transgender, 13 necessarily, but from a predator, who had the 14 authority then, as a man, to go in a young woman's 15 dressing room in high school, or a -- a women's 16 bathroom.</p> <p>17 I had a friend who just traveled through 18 Charlotte. They said they were afraid for their 19 child to go into the restroom -- a teenager -- 20 because they didn't know if the law in Charlotte 21 had already changed. So this doesn't affect just 22 the people from Charlotte. It affects all of us 23 from all over this state that goes through -- that 24 go through Charlotte. It affects businesses. 25 This is common sense legislation, and</p>	<p style="text-align: right;">116</p> <p>1 debate the bill.</p> <p>2 REP. CUNNINGHAM: Thank you, Mr. Speaker.</p> <p>3 So how did we get here? Today we are here, once 4 more discussing something that Mecklenburg County 5 city officials decided to do. So how did we get 6 here? Same way we did the last time, picking up 7 something that really is not looking at the needs 8 of the people in our district.</p> <p>9 Policy will not change perception. Minds 10 will not change. Over 50 years ago, Martin Luther 11 King, Jr., professed that you cannot legislate 12 people to have a change of heart. That's why we 13 had the Civil Rights Movement. Did it change 14 people's hearts? Still today, people's hearts are 15 not changed. Still today, in this Chamber, 16 people's hearts have not changed.</p> <p>17 Every day in public, all over the State 18 of North Carolina, we still see acts of racism, 19 acts of violence against people that are just 20 slightly different from us, all over. The 21 multiplicity of issues that the people in my 22 district live with and face every day, this does 23 not relegate. This does not relegate to the 24 feeding of the hungry children in my district, for 25 us to come down here and do this piece of</p>
<p style="text-align: right;">115</p> <p>1 there are those of us who are offended that there 2 are town commissioners and county commissioners 3 that are offended by this. We, as town 4 commissioners and county commissioners, think this 5 is a good thing to do, direction from the General 6 Assembly, where we don't overstep our boundaries. 7 There are things we can do and things we can't do.</p> <p>8 We just had a situation from town 9 commissioners down at Emerald Isle. They had the 10 Sierra Club sit there, every meeting for five or 11 six meetings, putting pressure on them to adopt a 12 resolution. Those town commissioners all came up 13 to me and said that they felt like they were forced 14 into doing it, or they couldn't get any other work 15 done. There are pressures that are put on these 16 town commissioners, pressures to vote a certain 17 way, which they regret.</p> <p>18 So I think that we need to do what we 19 need to do up here, and they need to understand the 20 responsibility at the town and county level.</p> <p>21 SPEAKER MOORE: For what purpose does the 22 lady from Mecklenburg, Representative Cunningham, 23 arise?</p> <p>24 REP. CUNNINGHAM: To speak to the bill.</p> <p>25 SPEAKER MOORE: The lady has the floor to</p>	<p style="text-align: right;">117</p> <p>1 legislation.</p> <p>2 Mecklenburg County -- currently 50th in 3 the country on upward mobility, unemployment 4 continues to be high in the African American 5 community, so we don't need to lose any jobs.</p> <p>6 I understand what transgender is about, 7 because I have a brother that is fully transgender, 8 but he does not live in the State of North 9 Carolina. He lives in New York. They have unisex 10 bathrooms, so only one person can go in at a time. 11 But here in North Carolina, that's where we are, 12 North Carolina, the great North Carolina.</p> <p>13 Usually I like to look at people, even 14 our own people back home. Mecklenburg County, the 15 City Council made a decision. Yeah, they made it. 16 But did they negotiate? We hear a lot about 17 negotiate, mediate. Are we in the position that we 18 should be thinking about mediating and negotiating 19 on things, so that some things don't have to go 20 other places? Some things can be handled there, 21 and it not have to come down here for us to have to 22 clean it up, or fix it up, or even mess it up 23 further. Are we there yet? No, we're not there 24 yet, but that's okay. Here we are. Here we are 25 again.</p>

<p style="text-align: right;">118</p> <p>1 When I make a major decision, I first ask 2 myself -- am I doing any harm? I don't know how 3 many people do that, but maybe we should start 4 saying, am I doing any harm? Because if we look 5 at, right now, what's going on on the national 6 level, Trump is loose. I heard somebody talk about 7 Cooper in the meeting -- committee meeting, when 8 Trump is loose, and we can't get him back in the 9 box, so is he in the room? 10 So are we exercising good judgment or are 11 we inciting more violence and discrimination and 12 prejudice? I cannot support the bill, but I ask 13 you -- are we doing more harm? Thank you. 14 SPEAKER MOORE: The gentleman from 15 Mecklenburg, Representative Bishop, is recognized 16 to send forth an amendment. The Clerk will read. 17 CLERK: Representative Bishop moves to 18 amend the bill on Page 3, Lines 46 through 47, by 19 deleting those lines and substituting the 20 following. 21 SPEAKER MOORE: The gentleman has the 22 floor to debate the amendment. 23 REP. BISHOP: Thank you, Mr. Speaker. At 24 that location, this is the portion of the bill 25 per -- clarifying that cities and localities don't</p>	<p style="text-align: right;">120</p> <p>1 to Representative Hager. 2 SPEAKER MOORE: Does the -- would the 3 lady redirect her question to the gentleman -- 4 REP. HARRISON: Sure. 5 SPEAKER MOORE: -- from Rutherford? 6 REP. HARRISON: Please. 7 SPEAKER MOORE: And does the gentleman 8 yield? 9 REP. HAGER: I do. 10 SPEAKER MOORE: He does. 11 REP. HARRISON: I -- I just want to make 12 sure I heard it right, because the City of 13 Greensboro has -- has a living wage standard for 14 its employees. Are you saying that by clarifying 15 in this language, that the cities will be able to 16 adopt policies to pay their employees living wages? 17 REP. HAGER: Representative Harrison, 18 that has not changed. What this deals specifically 19 with is, Part 2H of Article 10 dealt with the One 20 NC Fund and how those contracts are laid with a -- 21 with the local piece of it, and those have certain 22 wage goals. We actually had missed JDIG, so we 23 actually added JDIG back in there, and this 24 captures JDIG now. 25 SPEAKER MOORE: Further discussion or</p>
<p style="text-align: right;">119</p> <p>1 have authority to regulate wage levels. And there 2 are exceptions in the bill to make sure that, for 3 example, the local government can regulate its own 4 compensation levels to employees, and then there 5 are several items relating to federal community 6 development block grants and economic development 7 incentives, where those are integral to the -- to 8 the program. 9 In Item Number 2, we -- by including Part 10 2H of Article 10 of Chapter 143B, as opposed to 11 just Chapter 143B, we had -- were insufficiently 12 complete. So we are changing that line to make 13 sure that there's no interference with the economic 14 development incentives programs. And I support the 15 amendment. 16 SPEAKER MOORE: Further discussion or 17 debate on the amendment? Any of -- I see three 18 lights; any of these members wish to debate the 19 amendment? For what person does the lady from 20 Guilford, Representative Harrison, arise? 21 REP. HARRISON: To ask the amendment 22 sponsor a question. 23 SPEAKER MOORE: Does the gentleman from 24 Mecklenburg yield to the lady from Guilford? 25 REP. BISHOP: I would defer the question</p>	<p style="text-align: right;">121</p> <p>1 debate on the amendment? If not, the question 2 before the House is the adoption of Amendment 4 3 sent forth by Representative Bishop. Those in 4 favor will vote aye; those opposed will vote no. 5 The Clerk will open the vote. 6 (Votes recorded.) 7 SPEAKER MOORE: The Clerk will lock the 8 machine and record the vote. 108 having voted in 9 the affirmative, and none in the negative, the 10 amendment is adopted. We're now back on debate on 11 the bill. For what purpose does the gentleman from 12 Mecklenburg, Representative Moore, rise? 13 REP. R. MOORE: To ask a question of my 14 delegation mate, Representative Bishop. 15 SPEAKER MOORE: Does the gentleman from 16 Mecklenburg yield to the other gentleman from 17 Mecklenburg? 18 REP. BISHOP: I yield. 19 SPEAKER MOORE: He yields. 20 REP. R. MOORE: Representative Bishop, 21 you mention in your comments that private 22 businesses were not -- there was no mandate for 23 private business, but let me ask you this. What -- 24 how do you -- I need some clarity for private 25 businesses who -- who require public</p>

<p style="text-align: right;">122</p> <p>1 accommodations, like bars, restaurants, movie 2 theaters, and those things. How does this 3 particular law apply to that? I just -- just 4 wanted to get some clarity on -- on that particular 5 piece of it. 6 REP. BISHOP: If I understand the 7 representative's question, the answer is that 8 they're free to adopt whatever policies they think 9 best. 10 REP. R. MOORE: Follow-up? 11 SPEAKER MOORE: Does the gentleman yield 12 to an additional question? 13 REP. BISHOP: I yield. 14 SPEAKER MOORE: He yields. 15 REP. R MOORE: And so, without framing it 16 in -- in a -- in a very ugly way, so you're saying 17 that if a private business is -- a private business 18 refuses, by their particular policy, to not serve a 19 person based upon their sexual orientation or -- 20 or -- something of that nature, or sexual identity, 21 then that would be allowed by that private 22 business, and we wouldn't have any -- would have 23 any jurisdiction over that particular choice, is 24 what I want to say? 25 REP. BISHOP: Well, the -- the statewide</p>	<p style="text-align: right;">124</p> <p>1 where I'm trying to find the consistency in 2 reasoning and application in this bill. 3 So we say that a local municipality can 4 adopt their own policies in terms of discrimination 5 in hiring. So if the City of Raleigh wants to 6 adopt a policy for the City of Raleigh saying, 7 'We're not going to discriminate against gay folks 8 in hiring them to work for the City of Raleigh,' 9 that's okay. But at the same time, today, we're 10 saying that businesses that contract with the City 11 of Raleigh, that are getting paid from the City of 12 Raleigh, can discriminate against gay people in 13 their hiring practices and policies. That, to me, 14 is not consistent. That, to me, begs reason. 15 It seems as though, to me, that gay folks 16 pay taxes, too. And it would be unconscionable for 17 you to tell someone, "I understand that you pay 18 taxes, some of your tax money is going to pay these 19 contractors that we have hired to our city to 20 perform city duties, and the money that you've paid 21 in taxes to hire this company to do a service for 22 us, that company is -- you would never be allowed 23 to work for that company, because that company 24 discriminates against gay people in their hiring 25 and we, by statute, have allowed that." That's</p>
<p style="text-align: right;">123</p> <p>1 public -- statement of public policy concerning 2 public accommodations discrimination is -- sets 3 forth the -- all of the protected classes under 4 Supreme Court jurisprudence and quasi-suspect -- 5 suspect classes. So the ones that are listed in 6 there, those are the ones that there is a public 7 policy statement concerning discrimination. And 8 otherwise, there's not a mandate on people -- 9 people's bathroom use, one way or the other. 10 They're free to do what they wish. 11 SPEAKER MOORE: For what purpose does the 12 gentleman from Vance, Representative Baskerville, 13 rise? 14 REP. BASKERVILLE: To debate the bill. 15 SPEAKER MOORE: The gentleman has the 16 floor to debate the bill. 17 REP. BASKERVILLE: Thank you, Mr. 18 Speaker, and I will be brief. There would have 19 been a lot of votes on this side of the aisle if we 20 were just dealing with the restroom issue. If we 21 were just dealing with the restroom issue, that 22 bill would have passed, and it would have passed 23 very quickly. But when we include these other 24 provisions dealing with contracting and employment, 25 there are very grave concerns that -- that I have,</p>	<p style="text-align: right;">125</p> <p>1 inconsistent, that's illogical, and it's 2 unconscionable. 3 I want you to go back to your districts 4 and look at your constituents -- look them in the 5 eye. It would be very insulting to me, as a 6 younger person, as a black person, as a male, as a 7 Vance County native, for me to pay my taxes, to go 8 and hire a company that will not hire Vance County 9 people, that will not hire males, that will not 10 hire young people. That would be insulting to me. 11 So I want you to go back and talk to all 12 your constituents in your districts, look them in 13 the eye, and tell them how you've insulted them 14 today. Tell them that they may have friends, they 15 may have family members that may be gay, and their 16 tax money is used to hire companies that you made 17 it legal for them to discriminate against. 18 We're spending tax money to pay companies 19 to do work for us that are discriminating against 20 people. How is that common sense? How is that 21 consistent and logical reasoning? That's why I'm 22 voting no. 23 SPEAKER MOORE: For what purpose does the 24 gentleman from Mecklenburg, Representative Bishop, 25 arise?</p>

<p style="text-align: right;">126</p> <p>1 REP. BISHOP: To debate the bill a second 2 time. 3 SPEAKER MOORE: The gentleman has the 4 floor to debate the bill a second time. 5 REP. BISHOP: I do know that making good 6 decisions requires accurate facts, and there are a 7 couple of items that I think it worth attending to 8 that have been said during the course of the debate 9 or -- or they've been said in the community. WRAL 10 today released a story early on saying that a 11 version of a draft of the bill eliminated 12 protections for folks with disabilities from 13 discrimination. And I just want to say, I've said 14 it in committee, I just want to say it here; that's 15 factually wrong. 16 Now, we have a separate -- there's a 17 separate general statutes -- separate statute in 18 North Carolina Chapter 168A, that provides 19 comprehensive protection from discrimination for 20 those who are disabled; that's in addition to 21 federal law, federal Americans with Disabilities 22 Act. So that's just factually wrong. 23 In the course of the Minority Leader's 24 comments, I understood he listed the names of a lot 25 of companies who have policies, enlightened</p>	<p style="text-align: right;">128</p> <p>1 in the 4th Circuit. But that position, that some 2 have suggested could have some implication for 3 Title IX funding, the Obama Administration's 4 position, has not been accepted by any court 5 anywhere in the country. 6 The other decision out on that point 7 comes from -- it's in a case, Johnson versus 8 University of Pittsburgh, from the Western District 9 of Pennsylvania, that one was in March of 2015. 10 That case is on appeal as well, in the 3rd Circuit. 11 But no court has embraced that position at this 12 point in time. Should that occur some day, should 13 a court with jurisdiction over this area, decide 14 that Title IX is -- does not mean, when it says 15 sex, what everybody's always understood that it 16 means, and that the regulation under Title IX 17 that's been quoted twice by Representative Dollar 18 and Representative Stam, that explicitly permits 19 separate toilet, locker room and shower facilities 20 on the basis of sex; if that regulation is, by 21 virtue of those decisions -- of -- of a decision to 22 be -- here -- you know, hereafter to occur will be 23 invalidated, then there will be a process after 24 that point in time which North Carolina or any 25 other jurisdiction that has had separate bathrooms</p>
<p style="text-align: right;">127</p> <p>1 policies, concerning how employees will be treated. 2 And I think it was clear, but I just want to make 3 it clear in case there was an implication to the 4 contrary, those companies will be entirely free to 5 continue pursuing the policies that they, in their 6 wisdom, have decided to adopt. And that's 7 perfectly consistent with the idea that we want to 8 maximize freedom of -- of, in fact -- in fact, the 9 absence of -- of a problem that should've led to 10 the creation of an emergency that -- as it has 11 occurred. 12 Representative Hamilton recited, or 13 stated she was reciting, part of the holding in 14 a -- in a lawsuit in -- in -- that was pending 15 in -- the eastern district of Virginia decided in 16 2015, that is now on appeal to the 4th Circuit 17 Court of Appeals. And she -- in -- in reciting 18 what she said was the holding, she was reciting, in 19 fact, the position of the Obama Department of 20 Education, to say that not allowing a child in 21 school to go into the multi-occupancy bathroom 22 facilities of the opposite sex, as a -- as a 23 transgender child, was a violation of Title IX. 24 In fact, the court there held against the 25 Obama Administration. So that decision's on appeal</p>	<p style="text-align: right;">129</p> <p>1 for boys and girls, will be able to adapt, before 2 there would ever be any implication for Title IX 3 funding to go away. So that is really immaterial 4 to the decision we're making today. 5 And -- and I guess I should also say, if 6 those decisions occur, they would preempt what 7 we're doing today to the extent there was an 8 inconsistency. So it is a figment of folks' 9 imagination to say that that is a risk. 10 To the point about why we're here. In 11 January, January 19, I believe it was, I released a 12 public statement in anticipation -- because the 13 Mayor of Charlotte, newly elected, had repeated 14 time and again that this was going to be at the top 15 of the City Council's priority list, amazing as 16 that is. And I urged her and the City Council not 17 to go down this divisive route. And I spent -- 18 I've spent an inordinate amount of time, because I 19 laid out for them the law, and the fact that they 20 were not authorized to do what they contemplated 21 doing. 22 I would have been better served, on 23 behalf of the people that I represent, if I could 24 have spent the time that I've spent on this, 25 learning more about our process for Medicaid</p>

<p style="text-align: right;">130</p> <p>1 reform, about additional tax reform that we need to 2 do, about budget adjustments in the upcoming short 3 session. We'd all be better served if those folks 4 had not precipitated this need for a short session. 5 I wish that they had not. 6 I regret that it has produced the 7 division among us that it has, but I am confident 8 that this body owes it to the people of North 9 Carolina to correct this egregious overreach and 10 poor public policy. Thank you very much. 11 SPEAKER MOORE: Further discussion, 12 further debate? If not, the question before the 13 House is the passage of House Bill 2 on its second 14 reading. Those in favor will vote aye; those 15 opposed will vote no. The Clerk will open the 16 vote. 17 (Votes recorded.) 18 SPEAKER MOORE: The Clerk will lock the 19 machine and record the vote. 83 having voted in 20 the affirmative, and 25 in the negative, House Bill 21 2 passes its second reading and will be read a 22 third time. 23 CLERK: The General Assembly of North 24 Carolina enacts. 25 SPEAKER MOORE: Further discussion,</p>	<p style="text-align: right;">132</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATION OF TRANSCRIPT This is to certify that the foregoing transcript of proceedings held on March 23, 2016, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action. This 16th day of April, 2016. Brad Worley, transcriptionist Worley Reporting P.O. Box 99169 Raleigh, NC 27624 919-870-8070 brad@worleyreporting.com</p>
<p style="text-align: right;">131</p> <p>1 further debate? If not, the question before the 2 House is the passage of House Bill 2 on its third 3 reading. Those in favor will vote aye; those 4 opposed will vote no. The Clerk will open the 5 vote. 6 (Votes recorded.) 7 SPEAKER MOORE: Is Representative Dobson 8 still on the floor? The Clerk will lock the 9 machine and record the vote. 83 having voted in 10 the affirmative, and 24 in the negative, House Bill 11 2 passes its third reading. The bill is ordered 12 engrossed and sent to the Senate. Representative 13 Dobson, the Chair saw you on the floor when the 14 question was put. Does the gentleman wish to be 15 recorded as having voted aye? 16 REP. DOBSON: Yes. 17 SPEAKER MOORE: The gentleman will be 18 recorded as having voted, aye. 19 (End of audio.) 20 21 22 23 24 25</p>	

EXHIBIT E

1

NORTH CAROLINA GENERAL ASSEMBLY

NORTH CAROLINA SENATE

TRANSCRIPT OF THE PROCEEDINGS
FLOOR SESSION

In Raleigh, North Carolina
Wednesday, March 23, 2016
Transcribed by Brad Worley

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<p style="text-align: right;">2</p> <p>1 LT. GOV. FOREST: This being the time and 2 place, in accordance with the Constitution of the 3 State of North Carolina, and pursuant to the joint 4 proclamation issued by the President of the Senate 5 and the Speaker of the House, after receiving 6 written requests of three-fifths of all members of 7 the Senate and House of Representatives for the 8 convening of the 2016 second extra session of the 9 General Assembly of North Carolina, the Senate will 10 come to order. The Sergeant-at-Arms will close the 11 doors. Members will go to their seats. Members 12 and guests in the gallery, please silence all your 13 electronic devices. 14 Leading the Senate in prayer is the 15 Reverend Peter Milner, Senate Chaplain. All 16 members and guests in the gallery will please 17 stand, and remain standing for the Pledge of 18 Allegiance following the prayer. 19 REV. MILNER: Let's bow our heads and 20 pray. Almighty God, thank you for life. Thank you 21 for a beautiful day, for gathering us together. As 22 we gather with our hopes and dreams, and as we 23 watch spring come to life around us, Lord, help us 24 to remember we are entirely dependent upon you. We 25 can't do anything without you. Lord, in you alone</p>	<p style="text-align: right;">4</p> <p>1 therefore, the Speaker of the House of 2 Representatives and the President of the Senate do 3 hereby proclaim the General Assembly of North 4 Carolina shall convene in extra session in the City 5 of Raleigh, North Carolina, in the State 6 Legislative Building, at 10 o'clock a.m. on 7 Wednesday, March 23rd, 2016, to consider bills 8 concerning the organization or operation of the 9 extra session, in bills to provide for single-sex, 10 multiple occupancy bathroom and changing 11 facilities, and to create statewide consistency in 12 regulation of employment and public accommodations. 13 A copy of this proclamation shall be delivered to 14 each member of the House of Representatives and the 15 Senate, and a copy to the Governor of North 16 Carolina and the Secretary of State. Issued this 17 22nd day of March, 2016. President of the Senate, 18 Dan Forest. Speaker of the House, Representative 19 Tim Moore. 20 LT. GOV. FOREST: Written petitions from 21 31 Senators and 72 Representatives are on file in 22 the respective offices of the principal clerks, 23 where -- where they shall remain for a period of 24 two years. The names of those signatories shall be 25 spread upon the Journal.</p>
<p style="text-align: right;">3</p> <p>1 is my soul at rest, for our true hope comes from 2 you. You alone are our stronghold, our rock, our 3 fortress. In Him, we can stand firm. Fill us, 4 then, with renewed hope in you, for in you alone is 5 our soul at rest. It's in Jesus' name we pray. 6 Amen. 7 LT. GOV. FOREST: Please join me for the 8 Pledge of Allegiance. 9 (Pledge of Allegiance recited.) 10 LT. GOV. FOREST: The Reading Clerk will 11 read the joint proclamation. 12 CLERK: Joint proclamation to convene the 13 General Assembly of North Carolina in extra 14 session. Whereas, Article 2, Section 11.2 of the 15 Constitution of North Carolina authorizes and 16 requires the Speaker of the House of 17 Representatives and the President of the Senate to 18 convene the General Assembly in extra session by 19 joint proclamation upon receipt of written request, 20 signed by three-fifths of all members of the House 21 of Representatives and the Senate; and whereas, the 22 President of the Senate and the Speaker of the 23 House of Representatives have each received written 24 requests from three-fifths of the members of the 25 House of Representatives and the Senate; now,</p>	<p style="text-align: right;">5</p> <p>1 Senators, the record shall reflect that 2 Senator Josh Stein of District 16 submitted his 3 letter of resignation, effective March 21st, 2016. 4 The Clerk will now call the roll of the 5 2016 Senate. When your name is called, please 6 stand and remain standing, and respond by speaking 7 into your microphone. 8 CLERK: Senate of 2015 North Carolina 9 General Assembly, call of the roll. Alexander? 10 SEN. ALEXANDER: Here. 11 CLERK: Apodaca? 12 SEN. APODACA: Present. 13 CLERK: Barefoot? 14 SEN. BAREFOOT: Present. 15 CLERK: Barringer? Barringer? Berger? 16 SEN. BERGER: Present. 17 CLERK: Bingham? 18 SEN. BINGHAM: Present. 19 CLERK: Blue? 20 SEN. BLUE: Present. 21 CLERK: Brock? 22 SEN. BROCK: Present. 23 CLERK: Brown? 24 SEN. BROWN: Present. 25 CLERK: Bryant? Bryant? Clark? Clark?</p>

<p style="text-align: right;">6</p> <p>1 SEN. CLARK: Present. 2 CLERK: Cook? 3 SEN. COOK: Present. 4 CLERK: Curtis? Curtis? Daniel? 5 SEN. DANIEL: Present. 6 CLERK: D. Davis? 7 SEN. D. DAVIS: Present. 8 CLERK: J. Davis? 9 SEN. J. DAVIS: Present. 10 CLERK: Ford? Ford? Foushee? 11 SEN. FOUSHEE: Present. 12 CLERK: Gunn? 13 SEN. GUNN: Present. 14 CLERK: Harrington? 15 SEN. HARRINGTON: Present. 16 CLERK: Hartsell? 17 SEN. HARTSELL: Present. 18 CLERK: Hise? 19 SEN. HISE: Present. 20 CLERK: B. Jackson? 21 SEN. B. JACKSON: Present. 22 CLERK: J. Jackson? 23 SEN. J. JACKSON: Present. 24 CLERK: Krawiec? Lee? 25 SEN. LEE: Present.</p>	<p style="text-align: right;">8</p> <p>1 SEN. TARTE: Present. 2 CLERK: Tillman? 3 SEN. TILLMAN: Here. 4 CLERK: Tucker? 5 SEN. TUCKER: Present. 6 CLERK: Van Duyn? 7 SEN. VAN DUYN: Present. 8 CLERK: Waddell? Waddell? Wade? 9 SEN. WADE: Present. 10 CLERK: Wells? 11 SEN. WELLS: Present. 12 CLERK: Woodard? 13 SEN. WOODARD: Present. 14 LT. GOV. FOREST: With 42 members 15 present, and having properly received and 16 subscribed to the oath of office, a quorum is 17 present. Members may be seated. 18 The Constitution of North Carolina, 19 General Statutes and the Senate Rules of the 2015 20 regular session provide for two-year terms for 21 Senate officers. Without objection, the record 22 will reflect that the officers of the 2015 regular 23 session shall -- shall serve as officers of this 24 extra session. Senator Apodaca is recognized. 25 SEN. APODACA: Mr. President, send forth</p>
<p style="text-align: right;">7</p> <p>1 CLERK: Lowe? 2 SEN. LOWE: Present. 3 CLERK: McInnis? 4 SEN. MCINNIS: Present. 5 CLERK: McKissick? 6 SEN. MCKISSICK: Present. 7 CLERK: Meredith? 8 SEN. MEREDITH: Present. 9 CLERK: Newton? 10 SEN. NEWTON: Present. 11 CLERK: Pate? 12 SEN. PATE: Present. 13 CLERK: Rabin of Harnett? 14 SEN. RABIN: Present. 15 CLERK: Rabon of Brunswick? 16 SEN. RABON: Present. 17 CLERK: Randleman? 18 SEN. RANDLEMAN: Present. 19 CLERK: Robinson? 20 SEN. ROBINSON: Present. 21 CLERK: Rucho? Rucho? Sanderson? 22 SEN. SANDERSON: Present. 23 CLERK: Smith? Smith? Smith-Ingram? 24 SEN. SMITH-INGRAM: Present. 25 CLERK: Soucek? Soucek? Tarte?</p>	<p style="text-align: right;">9</p> <p>1 rules for the Special Session. 2 LT. GOV. FOREST: Send forth rules, 3 Senator. Introduction of Resolutions. The Clerk 4 will read. 5 CLERK: Introduction of Rules. The 6 Senate Resolution document, Permanent Rules of the 7 Senate for the 2016 Second Extra Session of the 8 General Assembly. 9 LT. GOV. FOREST: Senate Resolution 1. 10 The Clerk will read. 11 CLERK: Senate Resolution. The Senate 12 Resolution adopting the Permanent Rules of the 13 Senate for the 2016 Second Extra Session of the 14 General Assembly. 15 LT. GOV. FOREST: Senator Apodaca is 16 recognized to explain the Resolution. 17 SEN. APODACA: Thank you, Mr. President 18 and members. This authorizes two committees during 19 this special session. That'll be Judiciary II, and 20 the Rules Committee. It allows bills to be 21 introduced and read on the same day of filing. It 22 limits the scope of bills that can filed to those 23 providing for single-sex, multiple occupancy 24 bathroom and changing facilities, and to create a 25 statewide consistency in regulation of employment</p>

<p style="text-align: right;">10</p> <p>1 and public accommodations. Rule 41 is the 2 crossover rule. We are reserving this rule so that 3 there is no eligibility for those bills. 4 The rest of this pretty well says same 5 day, meaning we can operate the same day on first, 6 second reading; ratification; anything coming from 7 the House, we can handle the same day. Senator 8 Jackson, this has nothing to do with independent 9 redistricting. And with that being said, I'll be 10 happy to answer any questions. 11 LT. GOV. FOREST: Do we have any 12 questions on the Rules? Thank you, Senator. 13 The Chair directs the Principal Clerk to 14 send a message to the House of Representatives -- 15 hold on one second. Sorry, Senators, we have to 16 vote those Rules in. So, any further discussion or 17 debate on the Rules? Questions to Senator Apodaca? 18 Hearing none, the question before the Senate is the 19 motion to adopt the Rules for Senate Resolution 1. 20 All in favor, vote aye; opposed, vote no. Five 21 seconds to be allowed for the voting. The Clerk 22 will record the vote. 23 (Votes recorded.) 24 LT. GOV. FOREST: 31 having voted in the 25 affirmative, and 11 in the negative, the motion to</p>	<p style="text-align: right;">12</p> <p>1 Respectfully, Denise Weeks, Principal Clerk. 2 (Recess.) 3 LT. GOV. FOREST: The Senate will stand 4 in recess subject to the standard stipulations set 5 forth in Senate bill -- excuse me, Senate Rule 6 24.1, the Receipt and Referral of Committee Reports 7 and the Receipt of House Messages, to reconvene at 8 4:00 p.m. 9 (Recess.) 10 CLERK: Message from the House: House 11 Joint Resolution 3, the joint resolution providing 12 for adjournment, sine die, of the 2016 Senate extra 13 session, Calendar. 14 (Recess.) 15 LT. GOV. FOREST: So, just another update 16 here. The Assembly will stand in recess subject to 17 the standard stipulations set forth in Senate Rule 18 24.1, the Receipt and Referral of Committee Reports 19 and the Receipt of House Messages, to reconvene at 20 5:00 p.m. 21 (Recess.) 22 CLERK: Message from the House: House 23 Rule 2, An Act to Provide for Single-Sex, Multiple 24 Occupancy Bathroom and Changing Facilities in 25 Schools and Public Agencies, and to Create</p>
<p style="text-align: right;">11</p> <p>1 adopt has passed. So, now, the Chair directs the 2 Principal Clerk to send a message to the House of 3 Representatives, informing that honorable body that 4 the Senate is now ready to proceed with the 5 business for which it has been reconvened. 6 Senators, we have leaves of absence requested today 7 for your approval. They're granted for Senators 8 Barringer, Bryant, Smith, Soucek, Rucho, Ford and 9 Waddell. Senator Berger is recognized. 10 SEN. BERGER: Thank you, Mr. President. 11 I move that the Senate stand in recess subject to 12 the standard stipulations set forth in Senate Rule 13 24.1, Receipt and Referral of Committee Reports, 14 and Receipt of House Messages, to reconvene at 2:30 15 p.m. today. 16 LT. GOV. FOREST: The Senate stands in 17 recess until 2:30 this afternoon. 18 (Recess.) 19 CLERK: Message from the House: Mr. 20 President, pursuant to a joint proclamation issued 21 by the House Representative and the Senate on March 22 22nd, 2016, the House of Representatives is 23 organized and is now ready to proceed with the 24 public business of the State in the second extra 25 session of the 2015 General Assembly.</p>	<p style="text-align: right;">13</p> <p>1 Statewide Consistency in Regulations of Employment 2 and Public Accommodations. Sponsor: 3 Representatives Bishop, Stam, Howard, Steinburg. 4 Refer to Judiciary II. 5 (Recess.) 6 LT. GOV. FOREST: So we're standing in 7 recess subject to standard stipulations set forth 8 in Senate Rule 24.1, the Receipt and Referral of 9 Committee Reports and the Receipt of House 10 Messages, to reconvene at 5:45. 11 (Recess.) 12 LT. GOV. FOREST: The Senate will come to 13 order. Sergeant-at-Arms, close the doors. 14 Members, go to their seats. Members and guests in 15 the gallery, please silence all electronic devices. 16 Senators, let the record reflect that Senator 17 Barringer is now in the chamber. Reports of 18 Standing Committees. 19 SEN. RANDLEMAN: Send forth the 20 committee. 21 LT. GOV. FOREST: Senator Randleman, you 22 can send forward your committee report. The Clerk 23 will read. 24 CLERK: Senator Randleman, the Judiciary 25 II Committee submits the passage, House Bill 2,</p>

<p style="text-align: right;">14</p> <p>1 Public Facilities Privacy and Security Act, 2 favorable. 3 LT. GOV. FOREST: House Bill 2, Calendar. 4 So that takes us right into our Calendar, House 5 Bill 2. The Clerk will read. 6 CLERK: House Bill 2, Public Facilities 7 Privacy and Security Act. 8 LT. GOV. FOREST: Senator Newton is 9 recognized to explain the bill. 10 SEN. NEWTON: Thank you, Mr. President. 11 Thank you, members. I rise to discuss this 12 legislation that we have been brought back to town 13 to address. As -- as we all know, unfortunately, 14 the City Council of Charlotte lost their mind, and 15 decided to embark upon a very radical course and 16 a -- a new -- I guess you would call it an 17 ordinance. Something that -- that they knew that 18 they didn't have the authority to do. They didn't 19 care. 20 The City Council of Charlotte -- the 21 majority, anyway, decided that they would bow to 22 the altar of -- of radical political correctness. 23 And in so doing, created a -- a real public safety 24 risk with the citizens of this state that -- that 25 may choose to visit Charlotte; or that live in</p>	<p style="text-align: right;">16</p> <p>1 us that men don't belong in the ladies' bathroom. 2 It's a matter of public safety. 3 Under this ordinance that they've put 4 forward, anyone, quite frankly, with -- with that 5 intent, could use this Charlotte ordinance as an 6 excuse to be somewhere that we all know they don't 7 belong. So if the City of Charlotte had listened 8 to the lawyers, who told them not to do it, that 9 they didn't have the authority; if they'd listened 10 to Representative Bishop, who represents part of 11 Charlotte and a very, very smart attorney who sent 12 them a letter detailing to them why this was a bad 13 idea; if they'd listened to the Governor, warned 14 them not to do it, we wouldn't be here today. And, 15 frankly, if the Attorney General would do his job, 16 we wouldn't be here today. It would've been easy 17 for him to put this to a stop before we had to have 18 a special session. 19 And frankly, I -- I just can't believe 20 that we're here today having to talk about this. 21 But for the City Council of Charlotte, we wouldn't 22 have to talk about these things. All of us have 23 been receiving thousands and thousands of e-mails 24 and letters, phone calls from our constituents, 25 begging us to solve this problem, to fix this</p>
<p style="text-align: right;">15</p> <p>1 Charlotte; or, frankly, for those who visit 2 Charlotte from other places in the country. And 3 this standard would allow, as we've heard in the 4 media -- would allow men into the locker rooms and 5 the bathrooms of females -- of our daughters, of 6 our wives. This policy must not be allowed to go 7 forward. And that is why we're here today, because 8 the City of Charlotte and its City Council have 9 decided that, quite frankly, that they don't -- 10 they don't care about common sense, and that they 11 don't really -- are -- are not really that 12 concerned about public safety of folks that -- that 13 go in the bathroom in -- in the City of Charlotte. 14 And I know that sounds harsh, but that is -- that's 15 the reality. 16 And, colleagues, I -- I will point out 17 that the City of Charlotte knew, they acknowledged 18 privately to some folks, and I think there was even 19 some public acknowledgement -- they knew they 20 didn't have the authority to do this. They -- they 21 just wanted to do it anyway. And it's important 22 that we recognize that we live in a state of laws, 23 and we have a Constitution. And it is important 24 that the state have a uniform system of rules -- of 25 rules and regulations. And that common sense tells</p>	<p style="text-align: right;">17</p> <p>1 insanity, before it goes into effect. And that's 2 why we're here. 3 So we have got a very good piece of 4 legislation before us today that will address these 5 issues. Many of us were in the committee that we 6 just held, in the Judiciary Committee. We had a -- 7 a full explanation. We heard from the public. I 8 think there's been quite a long explanation over on 9 the House side, in their Judiciary Committee and on 10 the floor. I'll be happy to go over details for 11 people, if there are questions from other members. 12 But the broad aspects of this bill are 13 that we're going to set a statewide standard for 14 who belongs in which bathroom. We're going to do 15 this in public buildings across the state. We're 16 going to do this for municipalities and counties, 17 courthouses, and we're going to do this for our 18 public schools. 19 We're also going to make sure that it's 20 clear that cities and counties don't have the 21 authority to wade into the policies of -- of 22 questions like what should be the minimum wage, or 23 what should be the employment practices of 24 companies here in North Carolina. And we do this 25 to protect our businesses and protect our working</p>

<p style="text-align: right;">18</p> <p>1 environment. There should not be a patchwork from 2 one end of the state to the other, where businesses 3 have to hire a lawyer in each community, or each 4 county, to try to figure out what regulation 5 they're subject to today, and which ordinance 6 changes tomorrow.</p> <p>7 And -- and frankly, the rules on things 8 like this, what should be the same in Asheville, as 9 they are in Boone, as they are in Morehead City, as 10 they are in Greenville, or in Raleigh. And it's 11 important for this body, and for this institution 12 and General Assembly, to set forth these standards.</p> <p>13 But even more important, it's important 14 for the members to understand that, in the course 15 of putting this legislation together, and trying to 16 decide how was the best way to move forward with 17 the policy of North Carolina, it became clear that 18 something was lagging, that we had not taken care 19 of here in the State of North Carolina. And 20 federal law's pretty clear about discrimination in 21 employment and public accommodation. But the State 22 of North Carolina had never enacted a public policy 23 on public accommodation, stating that you shouldn't 24 discriminate against someone say, based on their 25 religion or their race, and deny them, say, a hotel</p>	<p style="text-align: right;">20</p> <p>1 SEN. BLUE: Well, Senator Newton here for 2 a question.</p> <p>3 LT. GOV. FOREST: Senator Newton, do you 4 yield?</p> <p>5 SEN. NEWTON: I do.</p> <p>6 SEN. BLUE: Senator Newton, does this 7 bill have any enforcement mechanisms in it?</p> <p>8 SEN. NEWTON: Senator Blue, you mean, 9 in -- as it relates to the -- the new policy of -- 10 on the public accommodations? Is that what you're 11 referring to?</p> <p>12 SEN. BLUE: In any aspect of it. In 13 either of the three sections of the bill, is there 14 any enforcement mechanism?</p> <p>15 SEN. NEWTON: No.</p> <p>16 SEN. BLUE: Another question, Mr. 17 President, follow-up?</p> <p>18 LT. GOV. FOREST: Does the Senator yield?</p> <p>19 SEN. NEWTON: I do.</p> <p>20 SEN. BLUE: Perhaps you could explain to 21 me, if, in fact, a man goes into a woman's 22 bathroom, what is the crime that's been committed, 23 under this bill?</p> <p>24 SEN. NEWTON: Under existing law, it 25 would be a second degree trespass, unless there are</p>
<p style="text-align: right;">19</p> <p>1 room. We're fixing that in this legislation.</p> <p>2 This legislation expands the public 3 policy of this state to clarify that discriminating 4 based on race and religion -- and it's even 5 stronger than the federal law -- that that's not 6 acceptable here in this state, and it's long 7 overdue; it's long overdue.</p> <p>8 So those are the main highlights of what 9 this bill does. But I urge you to join me in 10 passing this legislation, and joining the House in 11 passing this legislation, to clarify what the 12 standards are in North Carolina; to clarify that we 13 don't need to worry about who is in the bathroom in 14 the City of Charlotte; to clarify, for the 15 citizens, that they can have confidence about who 16 is sharing the locker room with them. It's 17 imperative that we do this today.</p> <p>18 I appreciate your attention, I commend 19 the bill to you, and I'm happy to answer any 20 questions. Thank you.</p> <p>21 LT. GOV. FOREST: Do we have any 22 discussion or debate?</p> <p>23 SEN. BLUE: I have a question.</p> <p>24 LT. GOV. FOREST: Senator Blue, for what 25 purpose do you arise?</p>	<p style="text-align: right;">21</p> <p>1 other circumstances -- like they were going in 2 there to clean it.</p> <p>3 SEN. BLUE: Another question, Mr. 4 President.</p> <p>5 LT. GOV. FOREST: Senator Newton, do you 6 yield?</p> <p>7 SEN. NEWTON: I do.</p> <p>8 SEN. BLUE: So under existing state law, 9 it is an offense for a male to go into a female's 10 bathroom.</p> <p>11 SEN. NEWTON: It has been held as such in 12 case law in this state.</p> <p>13 SEN. BLUE: One -- one final question, 14 Mr. President.</p> <p>15 LT. GOV. FOREST: Senator Newton, do you 16 yield?</p> <p>17 SEN. NEWTON: I do.</p> <p>18 SEN. BLUE: Does a local government have 19 the power to override a state law without being 20 given specific consent by the state to do that?</p> <p>21 SEN. NEWTON: Senator Blue, I really 22 appreciate that question, and I think it -- it begs 23 examination by the public and this body, as to why 24 it is that our Attorney General remains silent in 25 enforcing the laws of this state? It is clear that</p>

<p style="text-align: right;">22</p> <p>1 an ordinance does not trump state law. 2 SEN. BLUE: Okay. Speaking on the bill, 3 Mr. President. 4 LT. GOV. FOREST: Senator Blue, you have 5 the floor. Speak to the bill. 6 SEN. BLUE: Mr. President, ladies and 7 gentlemen of the Senate, we're here three weeks 8 before our regular session. And, to be honest with 9 you, disrupting a very narrow window that many of 10 us have to earn a living when this place is not in 11 session. And we're here because I think that we've 12 played on fears of the citizenry unjustly and 13 unfairly. 14 I have a wife, a daughter, five 15 granddaughters, and rest assured, there's nothing 16 that I wouldn't do to protect them, whether at 17 school, in public places, or anywhere else, against 18 anybody who would harm them in any way at all. And 19 when I first heard of -- of this ordinance by the 20 City of Charlotte, I started examining it on the 21 same basis that Senator Newton -- that I asked 22 Senator Newton these questions, and concluded that 23 if we are serious about really protecting kids from 24 bathrooms, then we'd make it serious offenses for 25 males to be in women's bathrooms. This bill does</p>	<p style="text-align: right;">24</p> <p>1 jeopardize the safety of the citizens of Charlotte. 2 But it's the broader points that cause me 3 concern, because I think that we are abandoning the 4 fundamental value of limited government and shared 5 government in many ways in this bill. If we 6 proclaim ourselves to be constitutionalists, then 7 we start creating unconstitutional discrimination 8 of any form, then we're being hypocritical. 9 To rescind local nondiscrimination 10 policies at the local level pulls the rug from 11 under millions of voters across the state that 12 entrust the 500-and-plus local governments that are 13 closer to them to decide best how they want to 14 proceed. 15 Now, I agree with Senator Newton; if the 16 City of Charlotte had no authority to do this, it 17 would have taken 15 minutes to get a temporary 18 restraining order, 10 days to get a preliminary 19 injunction, and if it was so clear, then a couple 20 of weeks later, to get a permanent injunction from 21 this ordinance ever going into effect, without 22 scaring the bejesus out of the citizens of this 23 state. And so, I look at it in a broader sense, 24 because I think that the turning of our backs on 25 North Carolinians by frightening them is not in our</p>
<p style="text-align: right;">23</p> <p>1 nothing to do that. So we're using that as a basis 2 for this legislation, and not doing anything to 3 address the real issue. 4 For the past several weeks, and certainly 5 more intentionally over the last week, I've tried 6 to figure out what was going on in the drafting of 7 this bill, since this seemed so urgent, so that we 8 could have some input. Because if we generally 9 have the fears about what the bill does from the 10 standpoint of safety, all of us ought to be 11 involved in fixing it. Well, seemingly, whatever 12 my ideas were didn't matter at all, because they 13 weren't sought, and weren't solicited or listened 14 to. 15 And so, it made me look at the broader 16 aspects of this bill in light of some of my 17 fundamental beliefs. I believe in small government 18 in many ways, and the people's right to govern 19 themselves. And there are 800-plus-thousand people 20 in Charlotte, over a million in Mecklenburg County, 21 and I respect their ability to govern themselves, 22 as they should be able to. And the voters in 23 Charlotte, whether they're afraid of this or 24 anything else, have the ability to put them out of 25 office, which is what they should do if they</p>	<p style="text-align: right;">25</p> <p>1 best interest. 2 But I worry about the local government 3 and the economic impact of this kind of 4 legislation, because I was in Indiana last year at 5 the height of that -- when the question got to be 6 whether or not a state or a city was intentionally 7 embracing some form of discrimination. And I saw 8 the fallout. Whether people fully understood what 9 they were trying to accomplish or not, I saw the 10 fallout. And I'm frightened for that kind of 11 fallout in North Carolina. When you look at what 12 21st Century companies start looking like, we're a 13 state that celebrates intolerance, and we'll take 14 some hit for taking pride in perpetuating prejudice 15 and repealing statutes that, over time -- over a 16 thirty- or forty-year period -- that these local 17 governments have adopted, whether it's relating to 18 their local human -- human relations commissions, 19 as -- as it relates to the state Human Relations 20 Commission, and slowly pecking away at different 21 forms of discrimination. And I think that as we 22 debate this bill, there are already Fortune 500 23 companies that have expressed their grave concerns 24 and very strong opposition. I think about things 25 like that.</p>

<p style="text-align: right;">26</p> <p>1 This bill essentially ties a noose around 2 the necks of the cities and counties, and it 3 smothers their ability to govern in the way that 4 their citizens think they ought to. 5 If we think that something ought to be a 6 crime, the State's job is -- our job is to make it 7 a significant crime, so that people who do it are 8 punished. 9 So, given the fact that, number one, it 10 seems that whatever our thoughts on this issue may 11 have been, they're irrelevant and unimportant. And 12 given the fact that you got a direct assault on 13 the ability of people to govern themselves, that 14 you've got a rollback of 40-plus years of 15 antidiscrimination activity, that we, as Democrats, 16 have determined that since we aren't important to 17 it, we don't have to be a part of it. 18 And so, we're not participating in this 19 effort that you make, to roll back the clock in 20 this state, to take away powers from local 21 governments; not just as it relates to 22 discrimination, but as it relates to their ability 23 to do what we say that we authorize them to do. 24 And ultimately, perhaps it would be best if we 25 started down the road to suspending their charters</p>	<p style="text-align: right;">28</p> <p>1 purpose do you arise? 2 SEN. BERGER: Speak to the bill. 3 LT. GOV. FOREST: Senator Berger, you 4 have the floor. 5 SEN. BERGER: Thank you, Mr. President. 6 I -- I think it's interesting. We are here today 7 for two reasons, primarily. One, because the City 8 of Charlotte decided that they were going to pass 9 an ordinance that allows grown men to share 10 bathrooms and locker facilities with girls and 11 women. That's one reason we're here today. 12 The second reason we're here today, 13 though, is something pointed out by Senator Blue, 14 interestingly enough -- because our Attorney 15 General would not do his job. He's right. What 16 should have happened is the chief law enforcement 17 officer of this state should have filed a court 18 case to enjoin the adoption, or the implementation, 19 of this ordinance. Somebody wasn't doing their 20 job. And so we are now here today because of that 21 double failure. The failure on the part of the 22 Charlotte City Council to listen to reason, and the 23 failure on the part of the Attorney General to do 24 his job. 25 So what do we have? We have -- we have a</p>
<p style="text-align: right;">27</p> <p>1 by taking away their roles as extensions of us, as 2 county governments. And I think that this is a far 3 cry from the kind of legislation that merits 4 emergency treatment, since we will be here in three 5 days -- three weeks, anyhow. 6 SEN. APODACA: Mr. President? 7 LT. GOV. FOREST: Senator Apodaca, for 8 what purpose do you rise? 9 SEN. APODACA: Would Senator Blue yield 10 to a question? 11 LT. GOV. FOREST: Senator Blue, do you 12 yield? 13 SEN. BLUE: I yield. 14 SEN. APODACA: Senator Blue, do we need 15 to take a recess so that your members can come back 16 and do their constitutional duty? 17 SEN. BLUE: Their constitutional duty is 18 to vote and participate when their participation is 19 allowed. It is the -- it has not been allowed in 20 this process, Senator Apodaca. So -- so we do not 21 need to take a recess. 22 SEN. APODACA: Well, I say we move on, 23 Mr. President. 24 LT. GOV. FOREST: Is there any further 25 discussion or debate? Senator Berger, for what</p>	<p style="text-align: right;">29</p> <p>1 bill that makes it clear that we are not going to 2 put our citizens in further danger because of the 3 recklessness of the Charlotte City Council. I 4 think Sheriff Barnes of Guilford County made it 5 quite clear when he said that a majority of the 6 people should not have to compromise their safety 7 and privacy in public bathrooms, showers and locker 8 rooms. And he also felt that it was inappropriate 9 to have officers put in the awkward position of 10 trying to determine whether or not someone thinks 11 they're a man, or thinks they're a woman, as far as 12 going to the restroom is concerned. No, there's no 13 question that we would not be here if not for the 14 Charlotte City Council. 15 And the natural consequence -- the 16 natural consequence of -- of what Charlotte has 17 done has actually been pointed out fairly recently 18 in the city of Seattle, that had something fairly 19 similar to this. In -- in Seattle, what happened 20 is, a man shows up in a locker room that is being 21 used by a girls' swim team. He disrobes, sits 22 there while the girls come in to change into their 23 swimming gear. And when confronted, he says, I 24 have a right to be here because I'm transgender. 25 Now, that is, unfortunately, a consequence of -- of</p>

<p style="text-align: right;">30</p> <p>1 what happened in Seattle, and something a lot worse</p> <p>2 could very well happen as a result of this</p> <p>3 ordinance.</p> <p>4 I said a couple of weeks ago that -- that</p> <p>5 the adoption of the ordinance by the City Council</p> <p>6 of Charlotte was just crazy, and I think most</p> <p>7 people in this state feel the same way. I think</p> <p>8 one of the interesting facts that has really not</p> <p>9 been talked about is, we have spent more time, the</p> <p>10 House and the Senate today, considering, debating,</p> <p>11 talking about, answering questions, trying to get</p> <p>12 an understanding of the consequence of the</p> <p>13 ordinance, and the consequence of this bill, than</p> <p>14 the City Council of Charlotte spent in adopting the</p> <p>15 ordinance. There was no committee -- no committee</p> <p>16 to -- to review the ordinance. There was no public</p> <p>17 discussion, as we've -- as we've had here. There</p> <p>18 was no debate back and forth, as we've had here in</p> <p>19 both the House and the Senate. No. This body has</p> <p>20 taken a very measured approach to what has been a</p> <p>21 very radical action by the City Council of</p> <p>22 Charlotte. I urge you to support the bill.</p> <p>23 SEN. APODACA: Mr. President?</p> <p>24 LT. GOV. FOREST: Senator Apodaca, what</p> <p>25 purpose do you rise?</p>	<p style="text-align: right;">32</p> <p>1 CLERK: Blue? Blue? Brock?</p> <p>2 SEN. BROCK: Aye.</p> <p>3 CLERK: Brown?</p> <p>4 SEN. BROWN: Aye.</p> <p>5 CLERK: Bryant? Bryant? Clark? Clark?</p> <p>6 Cook?</p> <p>7 SEN. COOK: Aye.</p> <p>8 CLERK: Curtis?</p> <p>9 SEN. CURTIS: Aye.</p> <p>10 CLERK: Daniel?</p> <p>11 SEN. DANIEL: Aye.</p> <p>12 CLERK: D. Davis? D. Davis? J. Davis?</p> <p>13 SEN. J. DAVIS: Aye.</p> <p>14 CLERK: Ford? Ford? Foushee? Foushee?</p> <p>15 Gunn?</p> <p>16 SEN. GUNN: Aye.</p> <p>17 CLERK: Harrington?</p> <p>18 SEN. HARRINGTON: Aye.</p> <p>19 CLERK: Hartsell?</p> <p>20 SEN. HARTSELL: Aye.</p> <p>21 CLERK: Hise?</p> <p>22 SEN. HISE: Aye.</p> <p>23 CLERK: B. Jackson?</p> <p>24 SEN. B. JACKSON: Aye.</p> <p>25 CLERK: J. Jackson? J. Jackson?</p>
<p style="text-align: right;">31</p> <p>1 SEN. APODACA: I move the vote taken on</p> <p>2 House Bill 2 be done by roll call, please.</p> <p>3 LT. GOV. FOREST: No objection, so</p> <p>4 ordered. Any further discussion or debate?</p> <p>5 Hearing none, the question before the Senate is the</p> <p>6 passage of House Bill 2 on its second reading and</p> <p>7 we will have a roll call vote. Clerk will read the</p> <p>8 roll.</p> <p>9 CLERK: State of North Carolina General</p> <p>10 Assembly, call of the roll.</p> <p>11 LT. GOV. FOREST: All in favor -- excuse</p> <p>12 me, Clerk. All in favor, vote aye, those opposed,</p> <p>13 vote no.</p> <p>14 CLERK: Alexander?</p> <p>15 SEN. ALEXANDER: Aye.</p> <p>16 CLERK: Apodaca?</p> <p>17 SEN. APODACA: Aye.</p> <p>18 CLERK: Barefoot?</p> <p>19 SEN. BAREFOOT: Aye.</p> <p>20 CLERK: Barringer?</p> <p>21 SEN. BARRINGER: Aye.</p> <p>22 CLERK: Berger?</p> <p>23 SEN. BERGER: Aye.</p> <p>24 CLERK: Bingham?</p> <p>25 SEN. BINGHAM: Aye.</p>	<p style="text-align: right;">33</p> <p>1 Krawiec?</p> <p>2 SEN. KRAWIEC: Aye.</p> <p>3 CLERK: Lee?</p> <p>4 SEN. LEE: Aye.</p> <p>5 CLERK: Lowe? Lowe? McInnis?</p> <p>6 SEN. MCINNIS: Aye.</p> <p>7 CLERK: McKissick? McKissick? Meredith?</p> <p>8 SEN. MEREDITH: Aye.</p> <p>9 CLERK: Newton?</p> <p>10 SEN. NEWTON: Aye.</p> <p>11 CLERK: Pate?</p> <p>12 SEN. PATE: Aye.</p> <p>13 CLERK: Rabin of Harnett?</p> <p>14 SEN. RABIN: Aye.</p> <p>15 CLERK: Rabon of Brunswick?</p> <p>16 SEN. RABON: Aye.</p> <p>17 CLERK: Randleman?</p> <p>18 SEN. RANDLEMAN: Aye.</p> <p>19 CLERK: Robinson? Robinson? Rucho?</p> <p>20 Rucho? Sanderson?</p> <p>21 SEN. SANDERSON: Aye.</p> <p>22 CLERK: Smith? Smith? Smith-Ingram?</p> <p>23 Smith-Ingram? Soucek? Soucek? Tarte?</p> <p>24 SEN. TARTE: Aye.</p> <p>25 CLERK: Tillman?</p>

<p style="text-align: right;">34</p> <p>1 SEN. TILLMAN: Aye. 2 CLERK: Tucker? 3 SEN. TUCKER: Aye. 4 CLERK: Van Duyn? Van Duyn? Waddell? 5 Waddell? Wade? 6 SEN. WADE: Aye. 7 CLERK: Wells? 8 SEN. WELLS: Aye. 9 CLERK: Woodard? Woodard? 10 LT. GOV. FOREST: 32 having voted in the 11 affirmative, 0 in the negative, House Bill 2 passes 12 its second reading, and will be read a third time. 13 CLERK: North Carolina General Assembly 14 enacts. 15 SEN. APODACA: Mr. President, I move that 16 we do third reading electronically, please. I 17 don't think they're going to show back up. 18 LT. GOV. FOREST: Without objection, to 19 the orders. Is there any further discussion or 20 debate? Hearing none, all in favor of the passage 21 of House Bill 2 on its third reading will vote aye, 22 opposed will vote no. Five seconds will be allowed 23 for the voting. The Clerk will record the vote. 24 (Votes recorded.) 25 LT. GOV. FOREST: Lee, Senator Lee aye.</p>	<p style="text-align: right;">36</p> <p>1 read a third time. 2 SEN. APODACA: Mr. President? 3 CLERK: North Carolina General Assembly 4 enacts. 5 LT. GOV. FOREST: Senator Apodaca, for 6 what purpose do you arise? 7 SEN. APODACA: Speak on third reading, 8 please. 9 LT. GOV. FOREST: Senator Apodaca, you 10 have the floor. 11 SEN. APODACA: Thank you, Mr. President 12 and members. What this does is takes us out today, 13 sine die until April the 25th. I ask for your 14 support. 15 LT. GOV. FOREST: Is there any further 16 discussion or debate? Hearing none, all in favor 17 of the passage of House Joint Resolution 3 on its 18 third reading will say aye. 19 (Voice vote.) 20 LT. GOV. FOREST: Opposed, no? The ayes 21 have it. House Joint Resolution 3 passes its third 22 reading and will be enrolled. 23 Senator Berger, for what purpose do you 24 arise? Hold on, Senators, we're not done yet. 25 Senator Berger, you have the floor.</p>
<p style="text-align: right;">35</p> <p>1 32 having voted in the affirmative, and 0 in the 2 negative, House Bill 2 passes its third reading and 3 will be enrolled and sent to the Governor via 4 special message. 5 House Joint Resolution 3, the Clerk will 6 read. 7 CLERK: House Joint Resolution 3. 8 Adjourn 2016 Second Extra Session. Senator Apodaca 9 is recognized to explain the resolution. 10 SEN. APODACA: Thank you, Mr. President 11 and members. We've been down this path before. 12 This takes us out until hopefully Wednesday, well, 13 takes us to April 25th. So I ask for your support, 14 unless you want to stay around a little longer, but 15 April 25th. 16 LT. GOV. FOREST: Is there any discussion 17 or debate? Hearing none, the question for the 18 Senate is the passage of House Joint Resolution 3 19 on its second reading. All in favor, vote aye, 20 those opposed, vote no. Five seconds to be allowed 21 for the voting, the Clerk will record the vote. 22 (Votes recorded.) 23 LT. GOV. FOREST: 32 having voted in the 24 affirmative and 0 in the negative, House Joint 25 Resolution 3 passes its second reading, and will be</p>	<p style="text-align: right;">37</p> <p>1 SEN. BERGER: Mr. President, I have a 2 motion to get us out of here, so -- 3 LT. GOV. FOREST: Senator Berger, you 4 have the floor for your motion. 5 SEN. BERGER: Thank you, Mr. President. 6 Having concluded the business for which the Senate 7 was convened, I move that the Senate be now 8 adjourned. The 2016 Second Extra Session, sine 9 die, in accordance with House Joint Resolution 3 10 subject to the standard stipulations set forth in 11 Senate Rule 24.1, the Receipt of House Messages and 12 the Ratification of Bills and Resolutions. 13 LT. GOV. FOREST: Motion to the Senate to 14 now adjourn. The second extra session, sine die, 15 in accordance with House Joint Resolution 3 subject 16 to the stipulations stated by Senator Berger, 17 seconded by Senator Apodaca. All in favor, say 18 aye. 19 (Voice vote.) 20 LT. GOV. FOREST: Opposed, no. The ayes 21 have it, and the second extra session stands 22 adjourned, sine die. 23 (Adjournment sine die.) 24 LT. GOV. FOREST: Clarification of rules. 25 The Clerk will read.</p>

<p>38</p> <p>1 CLERK: Enroll to Bill. Enrolling Clerk 2 reports the following bill is duly ratified for 3 presentation to the Governor. House Bill 2, An Act 4 to Provide for Single-Sex, Multiple Occupancy 5 Bathroom and Changing Facilities in Schools and 6 Public Agencies and to Create Statewide Consistency 7 in Regulation of Employment and Public 8 Accommodations. And the following resolution duly 9 ratified, properly enrolled, and prepared for the 10 presentation to the Office of Secretary of State. 11 House Joint Resolution 3, A Joint Resolution 12 Providing for Adjournment, Sine Die, of the 2016 13 Second Extra Session. 14 (Break in audio.) 15 CLERK: Message from the House. Mr. 16 President, it is ordered that a message be sent to 17 the Senate, informing that honorable body, that the 18 House of Representatives has concluded the business 19 in the 2016 Second Extra Session of the 2015 20 General Assembly in pursuant to HJR 3, first 21 edition, A Joint Resolution Providing for 22 Adjournment, Sine Die, of the 2016 Second Extra 23 Session stands adjourned, sine die. Respectfully, 24 Denise Weeks, Principal Clerk. 25 (End of proceedings.)</p>	
<p>39</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATION OF TRANSCRIPT</p> <p>This is to certify that the foregoing transcript of proceedings held on March 23, 2016, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.</p> <p>This 16th day of April, 2016.</p> <p>Brad Worley, transcriptionist Worley Reporting P.O. Box 99169 Raleigh, NC 27624 919-870-8070 brad@worleyreporting.com</p>	

EXHIBIT F

1

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE JUDICIARY IV COMMITTEE

TRANSCRIPT OF THE PROCEEDINGS
MARCH 23, 2016

In Raleigh, North Carolina
Wednesday, March 23, 2016
Transcribed by Brad Worley

Worley Reporting
P.O. Box 99169
Raleigh, NC 27624
919-870-8070

<p style="text-align: right;">2</p> <p>1 REP. BLACKWELL: If you would, try to 2 find a seat. I've got some preliminary matters 3 that I want to go over, so hopefully we'll 4 understand what we're going to try to do, and we'll 5 need to be a little bit flexible, I understand. 6 I want to start by saying to the members 7 of the committee, to help us judge the time that we 8 need to dispose of the bill by 11:45, which is my 9 intention, I would like you to indicate to the 10 staff behind me, as soon as you possibly can, if 11 you intend to offer an amendment. I don't have to 12 know what the amendment is, but I'd just like to 13 have an idea of how many we might possibly be 14 dealing with, if you could accommodate that. 15 If you're interested in speaking for or 16 against the bill, or if you simply want to speak on 17 the bill, if you will, register in the back; I 18 think there's a sign-up sheet back there. If you 19 don't consider yourself for or against, you might 20 want to sign up on the shortest list. You can 21 explain that you signed up on that side, but that 22 you're not really for or against. 23 My intention at this point, subject to 24 getting us out of here by about 11:45, 11:50, is to 25 try to allow 30 minutes of public comment, up to</p>	<p style="text-align: right;">4</p> <p>1 then Representative Bishop will be going paragraph 2 by paragraph, so that we completely understand it. 3 This is a common sense bill that ensures the status 4 quo ante. That is -- what do I mean by that? If 5 you pass the bill, really, nothing is changed from 6 yesterday until tomorrow, but it prohibits other 7 deleterious changes in the future. It protects 8 privacy. It also clarifies what units of local 9 government can do on a couple of disputed issues. 10 I would contend that it is not changing that, it's 11 just clarifying and making clear -- that is, making 12 clear what local -- what units of local government 13 can do and not do. 14 The reason this is important, is that we 15 need -- for economic development, we need a good 16 intrastate common market. We have 100 counties, we 17 have 500-plus cities, and businesses that want to 18 grow and expand. It's not a good idea for them to 19 have to have different employment rules in 20 different places where they do business. 21 Obviously, infrastructure will be different, zoning 22 will be different, the fees will be different, the 23 taxes will be different, but they shouldn't have to 24 guess or to comply with rules made by one city that 25 apply to everybody who's going to contract with</p>
<p style="text-align: right;">3</p> <p>1 two minutes per speaker. If we don't need that 2 much time, fine. If we need more time because of 3 anticipated amendments, I may have to cut back on 4 that, but we'll go as far on the list as we can. 5 My intention is that we will begin by having the 6 sponsors present the bill. They'll then -- we'll 7 have discussion by the committee. We'll then take 8 public comments. And then we will come back and 9 have such amendments and votes as the committee 10 needs, with the idea, again, of being finished by 11 11:45. So, with your cooperation, hopefully we can 12 stick to that schedule. 13 Okay. The Chair recognizes 14 Representative Bishop to present the bill. 15 Representative Bishop, you want to come to the 16 podium? And while Representative Bishop is coming 17 up, I'll say -- I'll try to remind you, but when we 18 get to the public comments time, please identify 19 yourself and any organization or agency that you 20 may be associated with. Okay. And we welcome 21 Representative Stam, and -- and we'll let them 22 present this in such order as they may choose. 23 REP. STAM: Mr. Chair -- Mr. Chairman, 24 members of the committee, I'd like to give you an 25 overview -- an overview for about two minutes, and</p>	<p style="text-align: right;">5</p> <p>1 that city, even if their -- even if their other 2 place of business is in, say, Wake County. 3 So, for example, if Catawba County were 4 to issue certain rules on employment practices for 5 their bidders, and I wanted to bid on that from 6 Wake County, Catawba County should not be able to 7 tell my business in Wake County what to do. We 8 need to put a stop to that. This is important at 9 the intrastate level. It's important at the 10 interstate level, and even in world trade, but 11 especially intrastate and interstate. I'd like to 12 ask the Chair to recognize Representative Bishop, 13 who will go through it paragraph by paragraph. 14 REP. BLACKWELL: Representative Bishop, 15 you're recognized. 16 REP. BISHOP: Thank you, Mr. Chairman. I 17 hail from Charlotte, and -- and as Representative 18 Stam said today, I think what we're doing is 19 preserving sense of privacy that people have long 20 expected in private facilities. And we are 21 restoring and clarifying -- clarifying the existing 22 authority and limits of authority of local 23 governments. The recitals at the beginning of the 24 bill say that. They point out that the power of 25 localities in North Carolina comes from delegation</p>

<p style="text-align: right;">6</p> <p>1 by the General Assembly.</p> <p>2 And in the case of the Charlotte</p> <p>3 ordinance passed in February, there was exercised a</p> <p>4 power that's never been delegated to the City of</p> <p>5 Charlotte, or to any locality, except for a few in</p> <p>6 their charters. But not Charlotte. So Article</p> <p>7 VII, Section 1 of the North Carolina Constitution</p> <p>8 sets forth that law. That's our fundamental law of</p> <p>9 this state.</p> <p>10 Immediately below that, Representative</p> <p>11 Stam made the point that consistent business</p> <p>12 regulation statewide is critical for -- for the</p> <p>13 success of business, and to make the kind of</p> <p>14 business environment that we need for the people of</p> <p>15 North Carolina to prosper.</p> <p>16 Article II, Section 24 says that the</p> <p>17 General Assembly cannot make local acts on</p> <p>18 business. That is to say, labor, trade, mining, or</p> <p>19 manufacturing. The Constitution specifically sets</p> <p>20 that forth in order that we not have a balkanized</p> <p>21 or patchwork system of business law, varying from</p> <p>22 place to place within the state. The other</p> <p>23 recitals are consistent with that. And now I'll</p> <p>24 proceed to the operative parts of the bill.</p> <p>25 The bill is in three parts. The first</p>	<p style="text-align: right;">8</p> <p>1 The -- the Section 1 includes specific</p> <p>2 accommodations that are allowed for various</p> <p>3 circumstances. It permits local boards of</p> <p>4 education to maintain single occupancy bathroom or</p> <p>5 changing facilities that students can use. It also</p> <p>6 has exceptions in Subpart -- in Subparagraph --</p> <p>7 Subsection (d) listed for custodial purposes; for</p> <p>8 maintenance of, or inspection purposes; to render</p> <p>9 medical assistance; to accompany students needing</p> <p>10 assistance or -- or a student needing to receive</p> <p>11 assistance.</p> <p>12 And -- and also the last one, Section --</p> <p>13 Subsection (7) there, says, that has been</p> <p>14 temporarily designated for use by that person's</p> <p>15 biological sex. It is often the practice in</p> <p>16 athletic events in particular, where a team travels</p> <p>17 to the opposite school, that a locker room of the</p> <p>18 other gender than the sports team will be</p> <p>19 temporarily designated for their use during that</p> <p>20 event. So that's covered as well.</p> <p>21 Section 1.3 of the bill, the second</p> <p>22 provision on bathroom policy, and it provides that</p> <p>23 in other public facilities; so facilities operated</p> <p>24 by state agencies, by localities and also other</p> <p>25 types of bathrooms operated by local school boards,</p>
<p style="text-align: right;">7</p> <p>1 part establishes in two sections that in public</p> <p>2 facilities in North Carolina, the policy will be</p> <p>3 that bathrooms will be designated according to</p> <p>4 biological sex, and usage of them will be according</p> <p>5 to biological sex. That's the law of North</p> <p>6 Carolina already. The North Carolina building code</p> <p>7 specifies the number of facilities, and that</p> <p>8 they'll be designated according to biological sex.</p> <p>9 This clarifies it.</p> <p>10 So in the two sections -- the first is</p> <p>11 that in K-12 public education facilities, bathrooms</p> <p>12 for students will be bathrooms and -- and their --</p> <p>13 bathrooms and changing facilities; the terminology</p> <p>14 you see -- single-sex, multiple occupancy bathroom</p> <p>15 and changing facilities and also -- so you have</p> <p>16 multiple and single occupancy, obviously. If it's</p> <p>17 a multiple-occupancy facility, then they'll be</p> <p>18 designated and used according to biological sex.</p> <p>19 Biological sex is to be designated on the birth</p> <p>20 certificate. And for those that may not know,</p> <p>21 North Carolina already has in statute a provision</p> <p>22 that if someone has sex reassignment surgery, then</p> <p>23 they can amend their birth certificate so that it</p> <p>24 is the -- so that it has the other gender. And so</p> <p>25 this is consistent with that.</p>	<p style="text-align: right;">9</p> <p>1 the same policy will exist, and the same similar</p> <p>2 exceptions apply. Notice there is no mandate on</p> <p>3 private business in this law. Businesses are free</p> <p>4 to regulate their own facilities as they see fit,</p> <p>5 and we believe that's consistent with a good,</p> <p>6 favorable business environment and appropriate</p> <p>7 freedom of choice.</p> <p>8 Now, Part 2. Part 2 and Part 3 are the</p> <p>9 portions that, as we introduced the bill, I</p> <p>10 mentioned relate to clarifying what authority</p> <p>11 exists for localities in certain areas. Part 2 has</p> <p>12 three sections. Section 2.1 clarifies that local</p> <p>13 governments lack authority, or "preempted" is the</p> <p>14 term in law, to adopt regulation of wages.</p> <p>15 Now, the reason that that is in this</p> <p>16 bill, is because of the two sections that follow</p> <p>17 that, Sections 2.2 and 2.3. These sections provide</p> <p>18 that if a local government, county, or city,</p> <p>19 engages a contractor, it is not able to impose</p> <p>20 regulations or controls on that contractor's</p> <p>21 employment practices, or mandate or prohibit how it</p> <p>22 will provide goods, services, or accommodations to</p> <p>23 any member of the public. These were the</p> <p>24 provisions previously modified in 2013, when a city</p> <p>25 overstepped its authority and used its contracting</p>

<p style="text-align: right;">10</p> <p>1 policy to impose a minimum living wage, as the 2 terminology went, on -- on its contracting parties. 3 We've now made clear, instead of here, because what 4 we said there is, they're disabled from regulating 5 the employment practices generally of contracting 6 parties or their -- their way of selling services 7 or goods. Therefore, we've moved more generally, 8 and clarified something, again, that is not new 9 law. It's a clarification. 10 The Wage and Hour Act of North Carolina 11 is a complete and integrated legislative scheme 12 regulating wages and labor conditions. And we -- 13 so, we've -- to make it abundantly clear that local 14 governments are disabled from this area, we've made 15 an explicit statement of preemption of the field. 16 That takes us to the third part, which is 17 titled Protection of Rights in Employment and 18 Public Accommodations. North Carolina has had, 19 since 1976, in Article -- in Chapter 143, a 20 statement of public policy against employment 21 discrimination on the basis of race, religion, 22 color, national origin, and sex. For the first 23 time, we are enacting -- proposing to enact a 24 statewide statement of public policy against 25 discrimination in public accommodations, on those</p>	<p style="text-align: right;">12</p> <p>1 themselves of appropriate remedies. 2 So as we're -- as we're enacting, for the 3 first time in North Carolina, a statewide statement 4 of public accommodations nondiscrimination, we've 5 left handicapped to be covered completely and 6 comprehensively by the existing Chapter 168A. And 7 we've used, for consistency, the definition of 8 public accommodations in 168A to inform the 9 nondiscrimination policy that we are enacting here. 10 And we cover all of the -- of the -- what the 11 Supreme Court has termed suspect and quasi-suspect 12 classifications in this new comprehensive statement 13 opposed to discrimination in public accommodations. 14 In both of those statements of public 15 policy, we have also made -- we have also now 16 articulated clear statements of legislative intent, 17 that localities are preempted from acting in these 18 areas. But I want to emphasize to you all again, 19 that no one can point to a statute that has ever 20 explicitly delegated authority to cities and 21 counties to do that. And, in fact, if you read the 22 Williams versus Blue Cross and Blue Shield case 23 from 2003, the courts have already been active in 24 striking down exactly that sort of regulation. 25 Where there was a comprehensive employment</p>
<p style="text-align: right;">11</p> <p>1 same categories. I've actually omitted two that 2 appear in the top, and I want to explain -- explain 3 this. So that -- in the employment discrimination 4 provision that's pre-existed, there's a -- covers 5 age, which is uniquely appropriate for employment 6 discrimination, not for public accommodations, for 7 reasons I can go into if someone has a question, 8 but the other one is disability. 9 There were reports in the media this 10 morning that we're curtailing protections for 11 disabilities. That's completely incorrect. That 12 is covered comprehensively in a separate State 13 statute. Chapter 168A of the General Statutes 14 provides comprehensive protection for disability 15 discrimination, including in public accommodations. 16 There was a case from the Court of 17 Appeals in 2015, in which the fact that handicap is 18 included in this employment nondiscrimination 19 public policy statement, creates a -- an enormous 20 confusion that the Court of Appeals had to work its 21 way through. And it is a potential trap for the 22 unwary. If people who suffer disability 23 discrimination should bring their claim 24 inadvertently under that public policy statement, 25 as opposed to under Chapter 168A, they can deprive</p>	<p style="text-align: right;">13</p> <p>1 discrimination measure enacted in a county, the 2 Supreme Court said that county didn't have 3 authority to do that. But the matter appears to 4 remain unclear, and therefore we're proposing to 5 clarify it. 6 In both of these statements of public 7 policy -- the one on employment discrimination, the 8 other on public accommodations discrimination -- 9 the Human Resources Commission within the 10 Department of Administration is empowered to 11 receive complaints, to investigate, and to 12 conciliate complaints that arise concerning either 13 of those. 14 At the end, there's a severability 15 provision; you all know what that's for. And as -- 16 and -- and the final provision, Part 5, makes 17 clear, to the extent the field preemption 18 statements made elsewhere in the legislation 19 doesn't seem to cover it, or leaves any doubt at 20 all, makes clear that ordinances, regulations, 21 policies adopted that are inconsistent with this 22 law, are superseded and preempted. And that's from 23 front to back. Mr. Chairman. 24 REP. BLACKWELL: Thank you, 25 Representative Bishop. Before we take questions,</p>

<p style="text-align: right;">14</p> <p>1 let me do a couple of other housekeeping things. 2 One is, I had a question that, for members of the 3 committee, you do not have to offer amendments to 4 the bill in committee in order for them to be 5 considered on the floor. You can, under the rules 6 that were just adopted earlier in session, 7 amendments can be offered on the floor for the 8 first time. So you can take that into 9 consideration in deciding if you have something you 10 want to offer. 11 Also, I should point out to the committee 12 members and the public that are present, that we 13 have four House Sergeant-At-Arms that are around 14 the chambers that may be able to help you if you 15 have a concern. Young -- Young Bay is over here, 16 Jim Moran in the back by the door, Doug Harris is 17 back here, and Joe Crook is over by this door. So 18 we appreciate that. 19 One other thing is, because we were about 20 15 minutes late in getting started because of the 21 availability of the bill and the explanation for 22 the bill, we've gotten permission to extend that 23 time by which we take the vote from 11:45 to 12:00. 24 We may not need that, but I'm going to do that in 25 my discretion, so that hopefully we won't have to</p>	<p style="text-align: right;">16</p> <p>1 why don't we give you the lesser of the times you 2 requested, and we'll be at ease for five minutes to 3 give members of the committee that haven't seen 4 this before a chance to look at it. 5 REP. RICHARDSON: Thank you, Mr. 6 Chairman. 7 (Members at ease.) 8 REP. BLACKWELL: The committee will be 9 back in order. Are there further questions from 10 members of the committee? Representative Warren, I 11 think I saw earlier that you had your hand up? 12 REP. WARREN: Thank you, Mr. Chair. I'd 13 just like to be recognized. It's an appropriate 14 time to make a motion. 15 REP. BLACKWELL: All right. Any other 16 questions from members of the committee at this 17 point? Seeing none, we will go to public comment. 18 The first public comment, if you'll go to the 19 speaker in the back, and use the mic, and identify 20 yourself, and if you are with an agency or 21 organization, on whose behalf you are speaking, if 22 you'd let us know that. And our first speaker is 23 Chris Sgro. If it's -- I hope I didn't -- is that 24 okay? Two minutes, each, please. 25 MR. SGRO: Good morning. My name is</p>
<p style="text-align: right;">15</p> <p>1 cut short public comment. 2 With that being said, are there questions 3 from the committee for Representative Bishop, or -- 4 is Representative -- I don't know if Representative 5 Stam is still here. I don't know if the other 6 sponsors are present, if they want to come up, 7 Representative Howard or Steinberg, if they're in 8 the room, but are there questions from the 9 committee? Representative Richardson. 10 REP. RICHARDSON: Thank you, Mr. 11 Chairman. I don't necessarily -- well, I have a 12 question in the sense of, we just got this bill 13 just before the explanation started. There are a 14 lot of statutes that are listed in this bill, and I 15 think it's very unfair to the committee to ask us 16 to make an informed decision on this bill that 17 seems to impact some things that we're not aware 18 of. Is it a -- a possibility that we could be 19 given at least five to ten minutes to read this for 20 ourselves, from front to back? Because right now, 21 listening to him and trying to read along with all 22 these statutes, I'm not sure of what is really in 23 this bill. 24 REP. BLACKWELL: Representative 25 Richardson, if you think five minutes would do it,</p>	<p style="text-align: right;">17</p> <p>1 Chris Sgro. I'm the Executive Director of Equality 2 North Carolina, the statewide LGBT advocacy 3 organization, representing over 170,000 members, 4 and we have many of our allies here with us today. 5 What Charlotte did is not unique or extreme. Their 6 democratically-elected City Council overwhelmingly 7 passed a protection ordinance for LGBT people. Two 8 hundred-plus cities across the nation, have these 9 protections already, including Myrtle Beach and 10 Columbia, South Carolina. We're talking about 11 other similar cities, not just New York or San 12 Francisco. 13 There have not been public safety 14 concerns in any of those cities for the decades 15 that these ordinances have been in place. That is 16 a fact, and facts matter. What is extreme, is this 17 special session. The first since 1981, wasting 18 42,000 taxpayer dollars a day, more than a North 19 Carolina educator's yearly salary, is what you are 20 doing here. 21 This ordinance is a best practice. What 22 this NCGA stands to do is a worst practice. 23 Republicans in Tennessee and South Dakota have 24 killed less sweeping bills because of concerns that 25 we have not had time to evaluate in the five</p>

<p style="text-align: right;">18</p> <p>1 minutes that we just gave folks, to digest this 2 lengthy legislation. This would be the most 3 sweeping anti-LGBT bill in the nation. We cannot 4 allow state policy to be crafted, or passed, for 5 political gain or out of factless fear. 6 My community deserves to be protected. 7 Yes, in restrooms, and in restaurants, and in 8 hotels, and in ability to hail a taxi. Those are 9 common sense protections. This session is not 10 common sense. The eyes of North Carolina, our 11 business community, my trans and gay brothers and 12 sisters, and the nation, are focused on you here 13 today. Please reject fear. My community's safety 14 and facts must trump the perceived politics of 15 this. Vote against. 16 REP. BLACKWELL: Thank you, Mr. Sgro. 17 The next speaker is Chloe Jefferson, if I'm getting 18 that name correctly. Ms. Jefferson. 19 MS. JEFFERSON: Hi. My name is Chloe, 20 and I'm in my junior year at Greenville Christian 21 Academy. When the Charlotte City Council passed 22 their bathroom ordinance, I was immediately 23 fearful. I was fearful because, if Charlotte can 24 do something like this, what city will be next, my 25 own? Changing in front of my girl peers is already</p>	<p style="text-align: right;">20</p> <p>1 no limitation, is completely frightening. 2 Charlotte's bathroom ordinance allows men complete 3 access to private places reserved for women. With 4 this access, there's no stopping what people may 5 do. How can my parents possibly send me into a 6 bathroom -- public bathroom, knowing that a man 7 could possibly be waiting for me. This ordinance 8 will be used as a way to have access to unarmed 9 girls in what should be a private setting. 10 Charlotte is only the first city, and if 11 Governor McCrory and the General Assembly do not 12 fix what Charlotte has done, I think others will 13 follow. I am not the only girl scared, if 14 Charlotte's ordinance is not changed. Everyone 15 should be aware that it would be girls like me who 16 are affected by ordinances like Charlotte and we 17 deserve protection. Thank you. 18 REP. BLACKWELL: Thank you. The next 19 speaker on our list is Sarah Preston. 20 MS. PRESTON: Good morning. My name is 21 Sarah Preston. I'm the acting Executive Director 22 for the ACLU of North Carolina. As an organization 23 that cares deeply about ensuring equality for all 24 North Carolinians, including lesbian, gay, bisexual 25 and transgender individuals, we are very concerned</p>
<p style="text-align: right;">19</p> <p>1 intimidating enough. The teen years are especially 2 difficult with different body image perceptions 3 being pushed on us through social media, magazines, 4 and Hollywood. We start to believe that there's a 5 certain way to look, and to not look. Now we add 6 the possibility of males changing and showering 7 alongside me. This is something that makes me, and 8 I'm sure other girls, even more self-conscious. 9 Girls like me should never be forced to undress or 10 shower in the presence of boys. I would imagine 11 being born a boy but thinking you're a girl is very 12 scary and confusing. But being a teenage girl is 13 confusing, too. 14 What about my rights to privacy and 15 wishes to not be exposed to young males changing 16 and showering beside me? I think everyone has the 17 freedom to believe in what they want, but they 18 shouldn't change laws for a small number of 19 students that punish and single out the rest of us. 20 That wouldn't be fair. 21 Not only is this bathroom ordinance a 22 problem for my privacy, but also a problem for my 23 safety. I would no longer feel safe using the 24 bathroom in public places. Knowing that a man 25 could easily walk into the women's bathroom, with</p>	<p style="text-align: right;">21</p> <p>1 about this legislation. We all understand that 2 this proposal came about because of an ordinance 3 passed by Charlotte. This ordinance was not 4 complicated. It is a simple measure designed to 5 protect all individuals in public accommodations, 6 including restaurants, bathrooms, hotels, 7 transportation, and even accessing government 8 services. 9 I know that many people probably do not 10 understand what it means to be transgender, or 11 identify with a sex other than the one that was 12 assigned at birth, and that's okay. But the 13 reality is that a transgender woman is a woman, and 14 a transgender man is a man, living his life just 15 like any other man, and he should be able to access 16 the men's restroom. These men and women should be 17 able to expect fair and equal treatment from their 18 governments, and in public accommodations. 19 Instead, half of the transgender individuals 20 surveyed in North Carolina recently reported being 21 harassed in public accommodations, and eight 22 percent reported being assaulted. We are here 23 today thinking about adding to that harassment, 24 encouraging those assaults and violence, and we 25 should do better for this community.</p>

<p style="text-align: right;">22</p> <p>1 If this body truly wants to consider a 2 nondiscrimination ordinance, they must include 3 gender identity and sexual orientation. It is 4 important that we protect all of the vulnerable 5 communities in our state and not pick and choose 6 which we want to provide full accommodations to. 7 Thank you. 8 REP. BLACKWELL: Our next speaker is, if 9 I'm -- again, Eleana Smith. 10 MS. FEDORUK: Good morning, Mr. Chairman, 11 members of the committee. I'm Kelly Fedoruk, and 12 I'm here to read the statement from Eliana Smith, 13 because she's unable to come here today. She's in 14 Charlotte, and asked that I read her statement to 15 all of you this morning. "I'm Eliana Smith, and 16 I've lived here in Charlotte for eight years. I 17 write to you today because I truly believe this 18 Charlotte ordinance creates dangerous and 19 vulnerable situations for women, children, and men. 20 I'm going to share something today that I never 21 thought I would share publicly, but I feel is 22 really necessary due to the direction that our city 23 is going in. 24 I was sexually assaulted as a young girl, 25 and in the years that followed, I had a real fear</p>	<p style="text-align: right;">24</p> <p>1 and changing at the Y, where there very well could 2 be a man in that room. 3 In passing this ordinance, the City 4 Council ignored its obligation to protect all 5 citizens of Charlotte, and demonstrated that they 6 really don't care about my concerns. Instead, the 7 City Council values and chose its political agenda 8 over safety, privacy, and common sense." 9 Mr. Chairman, I see I'm out of time. May 10 I have a couple seconds to finish her statement? 11 Keep it short? Thank you. 12 "My concerns and my fears are real, and 13 it's not right for anyone to discount them or for 14 anyone to call me a bigot and a fearmonger, because 15 I want to keep my family safe. As a victim of 16 sexual abuse, it is very difficult to speak up or 17 defend yourself. There's this fear, especially as 18 a young girl, that if you speak up, you or your 19 family will pay somehow. The same fear returns in 20 a different way and I ask you all today to pass 21 this bill, and I urge Governor McCrory to sign this 22 and protect all citizens of this great state." 23 Thank you. 24 REP. BLACKWELL: Our next speaker, and 25 let -- let me say, before -- I appreciate</p>
<p style="text-align: right;">23</p> <p>1 of men hurting me. This fear followed me for a 2 long time. I actually remember when I was 3 searching for colleges, and the thought of co-ed 4 dorms making me incredibly nervous. I specifically 5 picked a school where I knew girls would all be on 6 the same floor, because I wanted to make sure my 7 privacy, as a woman, was protected. Thankfully, I 8 found healing and peace from the terrible pain that 9 I experienced, and I did come to realize that I 10 could be safe again. 11 In recent weeks, the thought of what I 12 experienced has come back to my mind as I watched 13 the Charlotte City Council vote to allow biological 14 males into women's bathrooms, locker rooms, and 15 showers. I have serious concerns and anxiety that 16 I may encounter a man in the bathroom. But more 17 than the pain and nervousness I feel, because of 18 what has happened to me in my life, I fear even 19 more for my children. I have four young children, 20 and I never want any of them to go through the 21 pain, the humiliation, and the trauma I suffered 22 for years. How will I be able to go into the 23 bathroom, knowing that at any moment a man, or 24 someone pretending to be a woman, could walk in? I 25 won't have peace about my little girls showering</p>	<p style="text-align: right;">25</p> <p>1 everybody's decorum, but at various points, before 2 we get through, please remember that we don't have 3 clapping or demonstrations of support, pro or con, 4 and you all are doing great, making my job easy, 5 but thought I would remind you of that. The next 6 speaker is Angela Bridgeman. 7 MS. BRIDGEMAN: Good morning. My name is 8 Angela Bridgeman. I'm here representing my own 9 self, a transgender person, and a respected member 10 of the North Carolina business community, who moved 11 a successful business to this state from the State 12 of Pennsylvania. 13 I bring money from out of the state into 14 the state, and I am asked to pay taxes to finance 15 the discrimination which I face every day as a 16 transgender person. Now, I am post-operative. My 17 birth certificate says female, my license says 18 female, this is not going to affect me. But that's 19 not what I'm here to talk about today. 20 What I'm here to talk about today, is in 21 1998, I was denied a college education because I am 22 a transgender person. Five days after Matthew 23 Shepard was killed in Wyoming, I was told by my 24 then-college, Sullivan College [sic] in Louisville, 25 Kentucky, that I would only be allowed to use male</p>

<p style="text-align: right;">26</p> <p>1 restrooms. What would you all do? I did the only 2 thing I could. I chose my safety. At five days 3 after Matt Shepard is killed, I'm told that I have 4 to put myself in a position where I'm probably 5 going to be beat up, or worse. I dropped out of 6 college, and I never went back. I was denied a 7 college education just because I'm transgender. 8 I don't mean to be insensitive to some 9 people that maybe have suffered sexual assaults and 10 are fearful, but I have a right to be safe, too. I 11 have a right to be safe, too, and I have a right to 12 get a college education, which was denied to me. I 13 have a right. And the bore for the point -- this 14 isn't going to affect me now, because I am in every 15 way legally female. But nobody else should have to 16 go through what I did. Nobody should have to make 17 the kind of choice I had to make. Thank you. 18 REP. BLACKWELL: Our next speaker is John 19 Amanchukwu. 20 MR. AMANCHUKWU: I'm John Amanchukwu, 21 Executive Director for the Upper Room Christian 22 Academy. When there's no such thing as right or 23 wrong, man is left with flawed ideologies and 24 philosophies. When virtues are smothered through 25 party platforms, man becomes confident in</p>	<p style="text-align: right;">28</p> <p>1 female bathroom via your anatomy, neither should we 2 give you access via ordinance or legislation. 3 According to the American Psychiatric Association, 4 as many as 98 percent of gender-confused boys and 5 88 percent of gender-confused girls eventually 6 accept their biological sex, after naturally 7 passing through puberty. 8 In my closing, allowing men to use 9 women's bathrooms, showers, and locker rooms puts 10 both women and children in situations of grave 11 danger. Evidence shows that bathrooms are one of 12 the most prevalent places in which sexual assault 13 and rape take place. This ordinance is a passive 14 form of child abuse. So we ask the General 15 Assembly to send a clear message today to any other 16 municipality that this kind of government overreach 17 will not be tolerated. 18 REP. BLACKWELL: Our next speaker will be 19 Madeline L. Goss. 20 MS. GOSS: Thank you. My name is 21 Madeline Goss, and I'm transgender. I'm a mother, 22 and a partner, and I'm a software engineer here in 23 Research Triangle Park. I grew up in Hickory, 24 North Carolina, and I loved Hickory. But I was 25 bullied and tortured mercilessly there. And where</p>
<p style="text-align: right;">27</p> <p>1 legalizing anarchy. This ordinance is the corrupt 2 fruit of treason. It is an inside job from the 3 hearts of traitors. 4 Marcus Cicero said, a nation can survive 5 its fools and even the ambitious, but it cannot 6 survive treason from within. An enemy at the gates 7 is less formidable where he is known and carries 8 his banner openly. But the traitor moves amongst 9 those within the gate freely, his sly whispers 10 rustling through all the alleys, heard in the very 11 halls of government itself. He rots the soul of a 12 nation. 13 How do you spell traitor? How do you 14 spell treason? Today you spell it R-O-Y 15 C-O-O-P-E-R. Once again, our Attorney General is 16 failing to stand up for the people of this great 17 state. So today, we reject and push back against 18 neutrality for the voices of thousands of boys and 19 girls in our public or private schools, and the 20 countless teachers and administrators. 21 It's common sense that boys should go to 22 the boys room, and girls should go to the girls 23 room. I believe that God got it right in Genesis 5 24 and 2, when He said that He created them male and 25 female. If God didn't give you access to a male or</p>	<p style="text-align: right;">29</p> <p>1 did it happen? It happened in the men's room. 2 This place is a place of danger for me. And what 3 this bill would do is send me back there. I left 4 Hickory for places that are safe, like Charlotte 5 and Raleigh. I now live in Raleigh, and I am happy 6 there. I'm happy with my partner and I'm happy 7 with my nine-year-old daughter, Sophia. 8 I can't use the men's room. I won't go 9 back to the men's room. It is unsafe for me there. 10 People like me die there every day. Not -- not the 11 least to say, it freaks people out when I go to the 12 men's room. Would you like to go to the men's room 13 with me? I don't think so. The point is this. 14 These LGBT protections are common sense 15 protections. They make places like Raleigh and 16 Charlotte safe and welcome for people like me. 17 They're not new, they're not unique, and they're 18 not radical. 19 This -- they've already been passed in 20 over 200 cities in the United States. People 21 aren't getting thrown in jail. People aren't 22 getting raped and murdered. People are just going 23 to the bathroom. That's all I'm asking, is a safe 24 place for me, and people like me, to go to the 25 bathroom. Please, vote no on this bill.</p>

<p style="text-align: right;">30</p> <p>1 REP. BLACKWELL: Our next speaker is 2 Tammy Fitzgerald. 3 MS. FITZGERALD: Good afternoon, members 4 of the committee. Charlotte's bathroom ordinance 5 is unconstitutional. And this is the first domino. 6 Other cities will follow if we don't stop what 7 happened in Charlotte. Under North Carolina's 8 Constitution, cities only have those powers 9 explicitly delegated to them by the state. 10 Charlotte exceeded its delegated powers by passing 11 an ordinance that jeopardizes both the health and 12 the safety of its citizens. 13 It creates laws that are not uniform 14 across the state, making it harder to do business 15 in Charlotte than other parts of the state. This 16 hurts business. It violates the right to earn a 17 livelihood free of government interference, because 18 of the business regulations it imposes. The 19 Charlotte ordinance unfairly allows the government 20 to overreach into the private businesses and 21 churches, by forcing them to provide service, 22 promote ideas, participate in events, that conflict 23 with their beliefs. This violates the First 24 Amendment, as well as our own state constitution. 25 If the General Assembly does not stand firm, a</p>	<p style="text-align: right;">32</p> <p>1 state think the ordinance should be overturned, and 2 so we are looking to your leadership. Thank you so 3 much for your time. 4 REP. BLACKWELL: Our next speaker is 5 Tracy Hollister. 6 MS. HOLLISTER: Hello. My name is Tracy 7 Hollister, and I'm with several organizations 8 today, proudly: Equality North Carolina, ACLU of 9 North Carolina, and the Human Rights Campaign. And 10 I'm here specifically to talk about Provision 1, 11 and to take a stand for my transgender brothers and 12 sisters. 13 Paul Stam earlier talked about 14 consistency in this bill, consistency across the 15 state, but I want to argue to you that this bill is 16 inherently inconsistent. What is it inconsistent 17 with? North Carolina values and common sense. 18 Treating people with respect, as we'd want to be 19 treated. Respecting local democratic processes. 20 And being champions of safety and protection. 21 We hear, on the one hand, fears of what 22 happens when transgender people go to restrooms. 23 And we hear, on the other hand, a mountain of 24 evidence of how dangerous it is, and how unsafe 25 transgender people feel. I want to ask the</p>
<p style="text-align: right;">31</p> <p>1 precedent will be set for municipalities to usurp 2 power on any number of issues. 3 Now, because Roy Cooper has failed to do 4 his job, we are looking to you and the Governor to 5 call this law unjust, and to overturn it. The 6 Charlotte bathroom ordinance was heavily promoted 7 by a convicted sex offender, and we've said quite a 8 bit about that. But there are -- this has actually 9 happened in states where these laws are already in 10 place. Sex offenders are using these laws to their 11 advantage. 12 In 2011, transvestite Thomas Lee Benson, 13 a convicted sex offender for having sexual contact 14 with a minor girl, dressed as a woman so he could 15 go into the women's locker room at a swimming pool 16 in Oregon. There were young girls present in the 17 locker room, changing into their swimsuits, while 18 Benson was inside. Previously, he had dressed as a 19 woman to enter another locker room in Portland, 20 Oregon. Young girls were changing into their 21 swimsuits in that dressing room, too. 22 We have presented over 35,000 petitions 23 to you, and to the City of Charlotte, to stop this 24 ordinance, and we would appreciate your action 25 today. Sixty-six percent of the people in this</p>	<p style="text-align: right;">33</p> <p>1 legislators here today, by show of hands, how many 2 of you personally know a transgender person? 3 REP. BLACKWELL: We can't allow a show of 4 hands on that, but you can continue with your 5 remarks, please. 6 MS. HOLLISTER: I would submit to you, 7 that if you do not know a transgender person 8 personally in your life; if you have not heard 9 their story, like you've heard Maddy's story, and 10 other stories; that you need to do your homework, 11 and be transparent about what you understand and 12 don't understand. 13 Fortunately, Bobbie Richardson gave us 14 five minutes. We need far more than five minutes 15 to talk about a bill like this. And this is not an 16 emergency. Nothing really bad is going to happen 17 when people who feel like they are -- like -- 18 people who are women go to women's restrooms, and 19 people who are men go to men's restrooms. I have a 20 cousin who is transgender. He writes that he came 21 out at age 19. He asked me to share this with you, 22 after experiencing gender dysphoria for years. And 23 when he came out, he had a fear of public 24 bathrooms. A lot of transgender people avoid 25 bathrooms. The last thing they want to do in a</p>

<p style="text-align: right;">34</p> <p>1 bathroom is to create any trouble. They just want 2 to relieve themselves, like he would like to 3 relieve me right now.</p> <p>4 REP. BLACKWELL: Thank you. I want to 5 remind you to state your name as you start, and if 6 you are with an agency, business or a group, if 7 you'll identify the group that you may be 8 representing. The next speaker is John Rustin.</p> <p>9 MR. RUSTIN: Thank you, Mr. Chairman, 10 Members of the Committee. I'm John Rustin, 11 President of the North Carolina Family Policy 12 Council. As you've heard, on February 22nd, the 13 Charlotte City Council approved a set of highly 14 controversial and hazardous ordinance changes, and 15 we have three primary concerns.</p> <p>16 First, these changes mean that men can 17 enter women's restrooms, shower rooms, bathhouses 18 and similar facilities in any public accommodation 19 in the City of Charlotte, placing the privacy, 20 safety, and dignity of women, children, the 21 elderly, and others at great risk. The City's 22 extremely broad definition of public accommodation 23 means this new ordinance would apply to essentially 24 any business or organization in the City that 25 provides any goods or services. And please keep in</p>	<p style="text-align: right;">36</p> <p>1 authority to do what Charlotte has done. If these 2 ordinance changes are allowed to stand, they will 3 serve as a precedent for other city and county 4 governments to undermine proper governmental 5 authority in North Carolina, and to create a 6 patchwork of disparate ordinances across the state.</p> <p>7 For these reasons, we applaud you for 8 considering the legislation that you are today, and 9 we ask that you support it. Thank you.</p> <p>10 REP. BLACKWELL: We have now consumed 11 about 25 to 26 minutes of the allotted public 12 comment time, so we're going to take two more 13 speakers from -- one from each side. The next 14 speaker will be Vivian Taylor.</p> <p>15 MS. TAYLOR: Hello. My name is Vivian 16 Taylor. I am here today representing the 17 organization, Believe Out Loud. It's a Christian 18 organization. But I'm also here representing 19 myself. I am an eleventh-generation North 20 Carolinian. My family has been here since our 21 ancestor Kinchin Pennington was given a piece of 22 land as a payment for his service in the 23 Revolution. I graduated from North Carolina public 24 schools. I served in the War in Iraq with the 25 North Carolina National Guard. I'm a transgender</p>
<p style="text-align: right;">35</p> <p>1 my mind, there is no exception. There is no 2 exception for churches, church schools, and 3 church-related ministries.</p> <p>4 Secondly, many citizens have sincere 5 religious beliefs that inform the way they live 6 their lives and operate their businesses. Similar 7 ordinances in other states have been used to force 8 small business owners, such as florists, bakers, 9 photographers, bed and breakfast owners, and 10 others, to either conform to a government-dictated 11 viewpoint in violation of those sincerely-held 12 religious beliefs, or to face legal challenges, 13 fines, and other penalties that have ultimately 14 caused some to go out of business. The City of 15 Charlotte should not be authorized to impose such 16 an unconstitutional mandate as a condition of doing 17 business.</p> <p>18 And thirdly, Charlotte far exceeded its 19 authority when it passed these ordinance changes. 20 Cities and counties in North Carolina derive the 21 full extent of their authority only from the state 22 Constitution and acts that are passed by this 23 General Assembly. The North Carolina General 24 Assembly has granted neither the City of Charlotte, 25 nor any other city or county in the state, the</p>	<p style="text-align: right;">37</p> <p>1 woman.</p> <p>2 These protections that Charlotte passed 3 are common sense. Transgender folks face 4 incredible amounts of violence, and these 5 protections just do the basic moral job of looking 6 out for people and keeping them safe. You can look 7 at all the other cities that have passed similar 8 protections, and you can see there have not been 9 issues. There has not been violence. We are North 10 Carolina, we are one of the greatest states -- we 11 are the greatest state in this union, and we can do 12 better than -- than giving into fears. We can 13 protect everyone. I love this state, and I -- and 14 because of that, I call on you to reject this bill. 15 Thank you very much.</p> <p>16 REP. BLACKWELL: Our next and final 17 speaker is Heather Garofalo, I believe.</p> <p>18 MS. GAROFALO: Good afternoon. My name 19 is Heather Garofalo. I'm a small business owner 20 servicing Charlotte. I'm a mom of three children. 21 I have many friends and family in the LGBT 22 community, and I love them. Every American private 23 business owner in North Carolina should be free to 24 live and work according to their views, without 25 fear of being punished, unjustly, by the</p>

<p style="text-align: right;">38</p> <p>1 government. In 2015 the Pew Charitable Trust 2 organization identified the top 10 states for job 3 growth. Eight out of 10 of these states do not 4 contain state nondiscrimination ordinances with 5 language of sexual orientation and gender identity. 6 Charlotte is a beautiful city because of 7 its diversity. There are many different world 8 views and world religions. There is strength in 9 diversity. True equality means everyone is free to 10 speak their piece, without fear of being silenced 11 and punished. I'm pleased to report today, that 12 not one single case has been filed by the ACLU 13 alleging that an individual or organization has 14 discriminated against our friends in the LGBT 15 community here in Charlotte. 16 As a business owner, I fear the 17 unintended consequences of this ordinance, the 18 negative impact on labor, trade and commerce, as I 19 service many cities in the state. There would be 20 inconsistency, lack of uniformity. For small and 21 large business owners like myself, we would be 22 forced to check our deepest-held beliefs at the 23 door, or suffer fines of \$500, jail time, lawsuits. 24 I am asking for a right to provide for my family. 25 Also, business owners across the state</p>	<p style="text-align: right;">40</p> <p>1 If I may, I have a -- several questions. I have a 2 series of questions, if -- if I can just get 3 started. 4 REP. BLACKWELL: To whom do you want -- 5 do want to address these, or are these rhetorical? 6 REP. HAMILTON: No, they're -- I would 7 like some answers to them. 8 REP. BLACKWELL: Representative Stam and 9 Representative Bishop, you all want to step up to 10 the podium, and we'll let you handle these? 11 REP. HAMILTON: Thank you, gentlemen. 12 Thank you, Mr. Chairman. And it may involve staff 13 as well. Okay. My first question is related to 14 the change in the third section, from just a simple 15 reference to sex, changing it as biological sex. 16 The question is, if a -- if a gender-change 17 operation has taken place, the new sex -- say 18 you've -- a female has -- has had a sex-change 19 operation to become a male. Is that considered his 20 biological sex? 21 REP. BISHOP: It is according to the 22 definition in the statute. It says biological sex 23 is sex according to the birth certificate. 24 REP. HAMILTON: According to the birth 25 certificate.</p>
<p style="text-align: right;">39</p> <p>1 will be forced to cancel their contracts. The city 2 will cancel contracts in just nine days. Cancelled 3 contracts means a loss of revenue. A loss of 4 revenue could mean tens of thousands of jobs laid 5 off in North Carolina. This could mean -- this 6 could mean trouble, financially, for many families 7 in this 2016 election year. 8 I am equally concerned as a mom of three, 9 that this ordinance violates the safety and privacy 10 of every child in North Carolina. I am not fearful 11 of my transgender friends. I am fearful of all the 12 sexual offenders that are here. If you put a sweet 13 transgender child, and you move them from one 14 restroom to the next, that's not going to take care 15 of their fears and concerns and desire to be 16 accepted. That's actually going to subject them to 17 being -- oops, sorry. 18 REP. BLACKWELL: Okay. Thank you for all 19 the comments. I now will go back to the committee. 20 Are there further comments or questions from 21 members of the committee? Representative Hamilton. 22 Are there members of the committee that have 23 questions or wish to speak on the bill? 24 Representative Hamilton. 25 REP. HAMILTON: Thank you, Mr. Chairman.</p>	<p style="text-align: right;">41</p> <p>1 REP. BISHOP: And they can have the birth 2 certificate changed. 3 REP. HAMILTON: And their birth 4 certificates can be changed. 5 REP. BISHOP: That's correct. 6 REP. HAMILTON: Thank you. My -- my 7 second question is really related to the contract 8 portions of the bill, Sections 2 and 3. I -- the 9 focus has been, from the media standpoint and from 10 the public standpoint, just on the bathrooms, as it 11 relates to the Charlotte ordinance. But what 12 concerns me about this bill is that we have -- we 13 have expanded the conversation, and now we are 14 delving into the cities' and counties' ability to 15 contract with private vendors. So my first 16 question is, how will minority, women, and 17 business-owned entities be impacted by the changes 18 in this statute, or will they be affected in any 19 way? 20 REP. STAM: May I, Mr. Chairman? 21 REP. BLACKWELL: Yes. 22 REP. STAM: I think there are three parts 23 to that. I -- it I -- I would not agree with your 24 premise that it affects their ability to contract; 25 they certainly can contract. What your question</p>

<p style="text-align: right;">42</p> <p>1 goes to is, frankly, one of the more egregious 2 aspects of the overreach that -- that is involved 3 here, which is this -- in this -- in a particular 4 locality, this -- that has imposed -- purported to 5 impose employment or -- or selling practices on a 6 business with whom they -- they will contract, 7 whoever's going to bid for their jobs, they reach 8 well beyond the limits of their city to impose 9 this -- whatever their notions are, on folks across 10 the state, and even out of the state. So it 11 illustrates one way in which is particularly 12 problematic.</p> <p>13 However, to the other point that you've 14 asked, or to the rest of it, if you will look in 15 Chapter 143 -- and I'd get you a reference, but 16 there are already -- there already is a -- a 17 comprehensive set of rules concerning 18 nondiscrimination in contracting on -- on the -- 19 all the suspect and quasi-suspect classes and 20 requirements for program-setting goals for the 21 utilization of minority and -- and -- and women 22 business enterprises.</p> <p>23 REP. HAMILTON: Thank you, 24 Representative.</p> <p>25 REP. BLACKWELL: Did that answer the</p>	<p style="text-align: right;">44</p> <p>1 adopting across the country?</p> <p>2 REP. BISHOP: Well, it -- it prohibits --</p> <p>3 it -- it preempts the ability of localities to</p> <p>4 adopt laws in this area.</p> <p>5 REP. HAMILTON: And if a state were</p> <p>6 contracting -- follow-up, last follow-up --</p> <p>7 REP. BLACKWELL: Last follow-up, and then</p> <p>8 I need --</p> <p>9 REP. HAMILTON: -- and then I have --</p> <p>10 REP. BLACKWELL: -- to let some others</p> <p>11 so -- we can come back to you --</p> <p>12 REP. HAMILTON: I understand.</p> <p>13 REP. BLACKWELL: -- if we have time.</p> <p>14 REP. HAMILTON: Thank you, Representative</p> <p>15 Blackwell. They -- so if, in that scenario, a --</p> <p>16 say, the City of Wilmington wants to contract with</p> <p>17 a -- with a private entity that has these rules and</p> <p>18 regulations in place, will not be precluded from</p> <p>19 doing so?</p> <p>20 REP. BISHOP: That's correct.</p> <p>21 REP. HAMILTON: Okay.</p> <p>22 REP. STAM: It would be -- the only --</p> <p>23 the only restriction is imposing mandates on -- or</p> <p>24 requirements on business. It wouldn't, in any way,</p> <p>25 prevent a business from having those -- those</p>
<p style="text-align: right;">43</p> <p>1 question, Representative Hamilton?</p> <p>2 REP. HAMILTON: Another question. Yeah.</p> <p>3 Yes, thank you very much. As it relates to private</p> <p>4 corporations, it is my understanding there are a</p> <p>5 number of private corporations inside and outside</p> <p>6 of North Carolina that already have -- have rules</p> <p>7 and regulations that address the use of bathrooms</p> <p>8 in their -- in their corporate buildings. Does</p> <p>9 this, in any way, deny a private corporation from</p> <p>10 being able to enforce rules that are, quite</p> <p>11 honestly, very similar to the rules that Charlotte</p> <p>12 hopes to impose on April the 1st?</p> <p>13 REP. BISHOP: Mr. Chairman, may I</p> <p>14 respond?</p> <p>15 REP. BLACKWELL: Yes.</p> <p>16 REP. BISHOP: Thank you for the question,</p> <p>17 Representative, and it gives an opportunity to --</p> <p>18 to emphasizes, again, that our legislation does not</p> <p>19 impair, in any respect, private business's ability</p> <p>20 to -- or to accommodate issues like that in the</p> <p>21 manner they see fit.</p> <p>22 REP. HAMILTON: Follow-up, Mr. Chairman?</p> <p>23 So, it only restricts a government's ability from</p> <p>24 having laws or rules in place that are similar to</p> <p>25 rules that many of our nation's corporations are</p>	<p style="text-align: right;">45</p> <p>1 requirements if they choose.</p> <p>2 REP. HAMILTON: Thank you, Mr. Chairman.</p> <p>3 Final question, and it's probably a staff question,</p> <p>4 it's very short. I'd like to request a fiscal note</p> <p>5 on this issue, based on the comments that were made</p> <p>6 a few minutes ago by one of our presenters, that</p> <p>7 there will be certain contracts that the City of</p> <p>8 Charlotte, and maybe others, would have to break,</p> <p>9 if you will. This could cost jobs, it could cost</p> <p>10 public money, and I'd like to ask staff to -- to</p> <p>11 put that together for us.</p> <p>12 REP. BLACKWELL: Representative Bishop.</p> <p>13 REP. BISHOP: One thing to say about</p> <p>14 that -- that -- is -- the premise of that's not</p> <p>15 accurate. That is to say, the bill doesn't require</p> <p>16 anybody to break any contract. It takes effect</p> <p>17 only with respect to contracts entered into in the</p> <p>18 future.</p> <p>19 REP. BLACKWELL: Representative</p> <p>20 Richardson, we've got your name next.</p> <p>21 REP. RICHARDSON: Thank you, Mr.</p> <p>22 Chairman. I am concerned about Page 5, where the</p> <p>23 investigation is going to be done by the Department</p> <p>24 of Administration. If I recall correctly, we</p> <p>25 defunded that Human Resources Department in our</p>

<p style="text-align: right;">46</p> <p>1 budget last year. Do we plan to go back and fund 2 that department so that we will have staff there? 3 REP. STAM: I -- I think the premise of 4 the question's inaccurate, but I'll defer it to 5 Representative Dollar. That is to say, I think 6 there -- there may have been some discussion about 7 that, but I don't think it occurred, and it wasn't 8 last session. 9 REP. DOLLAR: The budget is sufficient to 10 accommodate the bill. And I would also note, with 11 respect to a fiscal note, I believe fiscal notes 12 are restricted to things that impact the state's 13 budget, and I see nothing in this bill, as the 14 Senior Budget Chair, that in any way impacts the 15 finances of the state. 16 REP. RICHARDSON: Follow-up, Mr. Chair? 17 REP. BLACKWELL: Representative 18 Richardson. 19 REP. RICHARDSON: Following 20 Representative Dollar's comment, when we advertise 21 for federal money, we have to put a disclosure 22 there that we do not discriminate. So does that 23 mean we may lose federal dollars if that clause is 24 not there, based on the -- the information that 25 you're putting here?</p>	<p style="text-align: right;">48</p> <p>1 REP. BISHOP: Well, let -- let me say 2 two -- two things, if I might, to that. Or -- 3 for -- in the -- in the first instance, that the 4 Chapter 168A that furnishes protections from 5 disability discrimination, is actually referenced 6 here. The public accommodations definition is -- 7 comes from that chapter. And let -- let me try to 8 explain what the Court of Appeals held in the -- in 9 the parallel situation, and why I say that would 10 possibly foment confusion, possibly cause 11 plaintiffs in the future to forfeit rights that 12 they otherwise would have under law. 13 Under the parallel statement of public 14 policy concerning employment discrimination 15 practices, it merely says the State of North 16 Carolina declares to be against public policy to -- 17 for there to be employment discrimination based on 18 race, color, age, national origin, sex, I -- and -- 19 and handicap. But the other statute is much more 20 comprehensive. There was a case in 2015 in which 21 the Court of Appeals considered a claim that 22 someone brought under that general public policy 23 statement. And because they brought it under that, 24 and they did not bring it under the disability 25 statute, the court said, there are no -- there's no</p>
<p style="text-align: right;">47</p> <p>1 REP. BLACKWELL: Representative Bishop, 2 you want -- or Stam, you want to respond to that? 3 REP. STAM: I'll do it, Mr. Chairman. 4 There's no change at all, with respect to state 5 policy of nondiscrimination. That is to say, and I 6 made reference to the sections in Chapter 143 7 that -- that specify a nondiscrimination policy in 8 contracting. So -- and -- and we've always had the 9 1976 statement with respect to employment 10 discrimination. That's been there for quite a long 11 time. There's no change at all with respect to 12 that, so I can't imagine that it would have the 13 effect that you asked about. 14 REP. RICHARDSON: Thank you. One last 15 question, please. 16 REP. BLACKWELL: Representative 17 Richardson. 18 REP. RICHARDSON: Yes. Thank you, Mr. 19 Chairman. When we stated that, what is it, Chapter 20 160.8.A covers handicap? 21 REP. BISHOP: Yes, ma'am. 22 REP. RICHARDSON: Can we not add that to 23 this bill so that there will be total clarity here 24 and we would not have to flip-flop from different 25 documents?</p>	<p style="text-align: right;">49</p> <p>1 private claim for relief created here, they have no 2 right to reasonable accommodation under that 3 statute. 4 So I suggest to you that having 5 handicapped mentioned here is a trap for the unwary 6 if a lawyer doesn't happen to know the difference 7 between the two statutes, and inadvertently brings 8 it to the wrong place. The protection is 9 comprehensive under the disability chapter. And to 10 mention it here, merely for the sake of window 11 dressing, if you will, would actually hurt people, 12 rather than help them. 13 REP. RICHARDSON: I thank you for your 14 comment, but it was confusing because in one sense, 15 you said an attorney, if he wasn't aware of 168A, 16 would probably lose his case. But then, you're 17 saying it would be put here for window dressing. 18 But thank you, anyway, for your comment. 19 REP. BLACKWELL: Are there further 20 questions or comments from members of the 21 committee? I am not seeing any. In the absence of 22 any further comments or questions from the 23 committee, is -- 24 REP. RICHARDSON: Mr. Chairman, excuse 25 me. Mr. Chairman, excuse me. There is one more</p>

<p style="text-align: right;">50</p> <p>1 comment. May I make that?</p> <p>2 REP. BLACKWELL: Okay. We'll go come --</p> <p>3 go back to Representative Richardson.</p> <p>4 REP. RICHARDSON: I'm sorry. And this is</p> <p>5 a reference to a statement Representative Stam</p> <p>6 made. I live in Franklin County, and I certainly</p> <p>7 hope that my elected officials would be able to set</p> <p>8 policies and procedures and practices that would be</p> <p>9 unique to Franklin County, and anybody coming in</p> <p>10 that county from other counties would not feel that</p> <p>11 they cannot live here. I just can't see us having</p> <p>12 uniform practices and policies for 100 counties,</p> <p>13 when we don't have similar resources, we don't have</p> <p>14 similar needs, we don't have similar economic</p> <p>15 development. And I just wanted to comment on that</p> <p>16 statement.</p> <p>17 REP. BLACKWELL: Thank you,</p> <p>18 Representative Richardson. Representative Warren,</p> <p>19 you're recognized for a motion.</p> <p>20 REP. WARREN: Thank you, Mr. Chair. I'd</p> <p>21 like to make a motion for a favorable report for</p> <p>22 House Bill 2, the referral to the floor.</p> <p>23 REP. BLACKWELL: Okay. All those in</p> <p>24 favor will signify by saying aye.</p> <p>25 (Voice vote.)</p>	<p style="text-align: right;">52</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE</p> <p style="text-align: center;">CERTIFICATION OF TRANSCRIPT</p> <p>This is to certify that the foregoing transcript of proceedings held on March 23, 2016, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.</p> <p style="text-align: right;">This 16th day of April, 2016.</p> <p>Brad Worley, transcriptionist Worley Reporting P.O. Box 99169 Raleigh, NC 27624 919-870-8070 brad@worleyreporting.com</p>
<p style="text-align: right;">51</p> <p>1 REP. BLACKWELL: Opposed, no. The ayes</p> <p>2 have it, and the motion is adopted. The House will</p> <p>3 reconvene at 12:15, and the committee is adjourned.</p> <p>4 (End of proceedings.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

EXHIBIT G

1

NORTH CAROLINA GENERAL ASSEMBLY
SENATE JUDICIARY II COMMITTEE

TRANSCRIPT OF THE PROCEEDINGS
MARCH 23, 2016

In Raleigh, North Carolina
Wednesday, March 23, 2016
Transcribed by Brad Worley

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<p style="text-align: right;">2</p> <p>1 SEN. RANDLEMAN: Terry Barnhardt? Thank 2 you. Larry Hancock? Steve McKaig? Thank you. 3 Matt Urben? Thank you. And Dale Huff? For those 4 who are here that would like to speak in opposition 5 to the bill, there -- Dale Huff has a list -- 6 sign-up sheet. We're going to allow those in 7 support and those in opposition to sign -- to speak 8 for two minutes, so if you want to go ahead and get 9 your name on the list, we will take up to five 10 speakers. 11 Let me introduce my co-chairs, Senator 12 Tamara Barringer and Senator Warren Daniel. Do 13 each -- either of you have comments? Okay. Thank 14 you. So we will go ahead and call House Bill 2 15 forward. I think it's going to be handled by 16 Senator Buck Newton and Representative Dan Bishop. 17 Where is Buck? One moment, please. 18 (Members at ease.) 19 SEN. RANDLEMAN: So, Senator Buck Newton 20 and Senator [sic] Dan Bishop, if you'll come 21 forward and present the bill. Excuse -- soon -- 22 soon to be -- soon to be, Representative. Thank 23 you. 24 SEN. NEWTON: Thank you, Madam. Thank 25 you, Madam Chairman. May I proceed?</p>	<p style="text-align: right;">4</p> <p>1 privacy of women and children. I will not, and I 2 don't believe we will, be bullied by this political 3 correct mob. 4 They should have never passed this 5 ordinance. They were warned not to pass this 6 ordinance. The governor warned them privately, and 7 I think even publicly, many of the members of the 8 council acknowledged that they had no authority to 9 pass such an ordinance. Politics have reached a 10 new extreme when a municipality's top priority is 11 to find a way to allow men into a women's locker 12 room or bathroom. Tens of thousands of our 13 constituents, my constituents, your constituents, 14 across this state, have called on us to put a stop 15 to this nonsense. We've called on Roy Cooper to 16 put a stop to this nonsense, and he refuses to do 17 his job. 18 He refuses to enforce the law of this 19 state, so it falls to us. It falls to us. This 20 ordinance legalizes conduct, which in any other 21 place in North Carolina, would expose people to 22 going to jail. You don't have to be an attorney to 23 know that it's a bad idea if men start using the 24 ladies' room here at the General Assembly or 25 anywhere else. There's going to be problems, and</p>
<p style="text-align: right;">3</p> <p>1 SEN. RANDLEMAN: Please. 2 SEN. NEWTON: Okay. Thank you. Thank 3 you very much, and thank you, colleagues, and -- 4 for being here today. It's a -- actually very 5 unfortunate that we have to be here today. I can't 6 believe that we are -- actually, I can't believe we 7 are here today and we're having to address this -- 8 this -- this issue that has been sent to us 9 gift-wrapped by the City Council of Charlotte. 10 As we all know, we have a problem. The 11 City of Charlotte and their City Council has 12 decided to push a very radical and dangerous 13 policy, and thrust itself into the spotlight, by 14 passing this ordinance that allows men to share the 15 bathroom and shower facilities with young girls and 16 women. That's why we're here today. 17 Charlotte's ordinance clearly violates 18 common sense. It also violates a number of state 19 laws, criminal trespass law, indecent exposure law 20 and building codes. You know, I'll just say it 21 like this: the radical left wing groups and the 22 liberal politicians like our current Attorney 23 General are afraid to stand up to the political 24 correctness mob and fight for common sense. They 25 refuse to take action to protect the safety and</p>	<p style="text-align: right;">5</p> <p>1 everywhere else, these men would be arrested, and 2 it's basic common sense. 3 Sheriff B.J. Barnes said a majority of 4 people of Guilford County should not have to 5 compromise their safety and privacy in public 6 bathrooms and showers. Said he didn't want his 7 officers to be put in the awkward position of 8 determining who is entitled to be in the bathroom. 9 This ordinance not only endangers women 10 and children, but those from places far away who 11 visit Charlotte, and I'll point out, visit 12 Charlotte by passing through its busy airport. And 13 it's a shame, and it's a tragedy that we have to be 14 here today to deal with it. 15 You know, all you have to do is look at 16 recent news reports from Seattle detailing how a 17 grown man went into the changing room, I believe it 18 was at a pool, for young girls. And when 19 confronted over it, he claimed, "The law's changed 20 and I have a right to be here," and that's what 21 we're going to face if we don't address this 22 problem. 23 That can and that will happen here in 24 North Carolina if we allow this ordinance to go 25 into effect. That is why municipalities need to</p>

<p style="text-align: right;">6</p> <p>1 follow the same law across this state. That is why 2 it is important that we have a statewide standard 3 to deal with these issues. 4 I will point out to you that one of the 5 leaders of this effort to pass this ordinance was a 6 registered sex offender here in North Carolina. 7 One of the main vocal proponents of this -- of this 8 ordinance, and the media covered it up. They knew 9 all about it, but they refused to tell the public. 10 That's unacceptable. We're not going to stand for 11 it. 12 So we have a solution. We have it in 13 this bill that's before us. This bill addresses 14 these serious safety concerns. They've been raised 15 by Charlotte's ordinance by setting a single 16 statewide standard to ensure that men cannot use 17 ladies' bathrooms, locker rooms. And that the same 18 standard applies in our public schools, public 19 buildings and other places of public accommodation 20 throughout the State of North Carolina. This bill 21 does not prohibit schools or other facilities from 22 providing reasonable accommodations like single 23 occupancy bathrooms for people who may be facing 24 gender identity issues. It does not prohibit those 25 kinds of reasonable accommodations, but it does set</p>	<p style="text-align: right;">8</p> <p>1 that they will find in Charlotte. Forcing 2 businesses to learn and comply with a patchwork of 3 different rules in different cities across the 4 state doesn't make any sense. It discourages them 5 from doing business here in North Carolina, and 6 this bill will help prevent that from happening. 7 Madam Chairman, if I could, at this time, 8 I will -- I ask if staff could go through the bill 9 in its particulars, and then I will be happy to 10 address questions from the committee. 11 SEN. RANDLEMAN: Any comments from 12 Representative Bishop? 13 REP. BISHOP: No, Madam Chairman. I 14 think that proceeding in the way that Senator 15 Newton has outlined is just fine, and I'm here if 16 there are any questions I can help with. 17 SEN. RANDLEMAN: Thank you. Then we will 18 ask Kara McCraw to go over the bill for the 19 members. 20 MS. MCCRAW (STAFF): Kara McCraw, Staff 21 Attorney with the Legislative Analysis Division. 22 On Page 1 of the bill, you'll see where it says 23 starting on Line 23 of 24, Part 1, Single Sex 24 Multiple Occupancy Bathroom and Changing 25 Facilities, Section 1.1 and 1.2 go together. 1.1</p>
<p style="text-align: right;">7</p> <p>1 a single standard of multiuse facilities. 2 For the first time, this bill will also 3 establish a unify -- a uniform statewide 4 antidiscrimination policy. I think this is very 5 important for people to realize. For the first 6 time, this bill will establish a uniform statewide 7 antidiscrimination policy on the basis of race, 8 religion, color, national origin, age, sex or 9 handicap. This new antidiscrimination policy is 10 actually stronger than federal law, and it's long 11 overdue. 12 In going through the process of preparing 13 this legislation, and trying to figure out how we 14 were going to deal with this -- this insanity and 15 this ordinance, we realized that this was overdue, 16 and that this was part of the solution. This bill 17 will take steps to prevent future situations like 18 Charlotte's overreaching ordinance by creating 19 statewide consistency for laws relating to 20 employment and public accommodation. These are 21 policies that ought to be set at the state level, 22 and not in a patchwork, inconsistent framework. 23 Our businesses and our citizens deserve no less 24 than to understand that what they have in Morehead 25 City or Greenville or Wilson or Raleigh is the same</p>	<p style="text-align: right;">9</p> <p>1 is a conforming change. Section 1.2 would require 2 schools or -- I'm sorry, local school 3 administrative units and local boards of education 4 to require that any multiple occupancy bathrooms or 5 changing facilities in the facilities be designated 6 for student use based on the student's biological 7 sex. The next -- on Page 2, you'll see 8 accommodations permitted. 9 The statute then goes on to say that 10 local boards may provide accommodations upon 11 request due to special circumstances, but it does 12 limit those accommodations to not allowing students 13 to use multiple occupancy bathrooms or changing 14 facilities based -- designated for the opposite 15 sex. There are a list of exceptions in D and 16 reasons that someone of the opposite sex might 17 enter the bathroom, and those are -- you can see 18 the list there: custodial purposes, maintenance 19 inspections, medical assistance, assistance to a 20 student, receiving assistance in using the 21 facility, accompanying a person other than a 22 student who needs assistance, and temporary 23 designation for -- based on a use by the person's 24 biological sex. That last one would allow 25 something like a visiting sports team to use a</p>

<p style="text-align: right;">10</p> <p>1 boys' locker room on the night of the girls' game.</p> <p>2 Section 1.3 then creates a similar</p> <p>3 statute for other public agencies in North</p> <p>4 Carolina, and that would cover the legislative,</p> <p>5 judicial and executive branch agencies as well as</p> <p>6 local governments. Would require those public</p> <p>7 agencies to designate multiple occupancy bathrooms</p> <p>8 for use based on biological sex. It has similar</p> <p>9 accommodations, language and similar exceptions to</p> <p>10 allow for custodial purposes, maintenance, medical</p> <p>11 assistance, rendering -- accompanying a person</p> <p>12 needing assistance for a minor using -- under the</p> <p>13 age of seven who accompanies a person caring for</p> <p>14 that minor or that have been temporarily designated</p> <p>15 for use for by that person's biological sex.</p> <p>16 Part 2 of the bill then deals with</p> <p>17 employment and contracting. Section 2.1 is part of</p> <p>18 the Wage and Hour Act, and adds a new section that</p> <p>19 specifically preempts local governments from</p> <p>20 creating or imposing requirements upon employers</p> <p>21 pertaining to compensation of employees. There are</p> <p>22 several exceptions to this preemption. Those in --</p> <p>23 one, local governments can still have regulation</p> <p>24 requiring their own employees. Two, economic</p> <p>25 development incentives under Chapter 143B. Three,</p>	<p style="text-align: right;">12</p> <p>1 employment. However, it would still allow them to</p> <p>2 regulate their own employees. Section 3.2 adds</p> <p>3 language to specify that the Equal Employment</p> <p>4 Practices Act does not create a statutory or common</p> <p>5 law private right of action. And then on Page 5,</p> <p>6 there is a new statute, a new article being created</p> <p>7 to create an equal access to public accommodations</p> <p>8 statute in North Carolina.</p> <p>9 That language first states the public</p> <p>10 policy of the state to protect and safeguard the</p> <p>11 rights of individuals with regard to enjoyment of</p> <p>12 goods, services, facilities, privileges, advantages</p> <p>13 and accommodation of places of public accommodation</p> <p>14 free of discrimination based on race, religion,</p> <p>15 color, national origin or biological sex. There is</p> <p>16 an exception for providing separate bathrooms.</p> <p>17 Subsection B then has similar preemption</p> <p>18 language to the previous section that says that</p> <p>19 local governments are not permitted to regulate or</p> <p>20 impose requirements pertaining to regulation of</p> <p>21 discriminatory practices in places of public</p> <p>22 accommodation. The definition of public</p> <p>23 accommodation mirrors 168A, which deals with</p> <p>24 provision of handicapped facilities and</p> <p>25 discrimination and access to facilities for</p>
<p style="text-align: right;">11</p> <p>1 economic development incentives under the Local</p> <p>2 Development Act of 1925. Four, a requirement of</p> <p>3 federal community development brought block grants.</p> <p>4 And five, programs established under two statutes</p> <p>5 dealing with community development programs.</p> <p>6 Section 2.2 and 2.3 deal with cities and</p> <p>7 counties -- they're parallel statutes -- and they</p> <p>8 would say that when a city and a county contract,</p> <p>9 they are restricted from including in the contract</p> <p>10 regulations or controls on contract -- contractors'</p> <p>11 employment practices or mandating or prohibiting</p> <p>12 provisions of goods, services or accommodations</p> <p>13 except as otherwise required or allowed in state</p> <p>14 law.</p> <p>15 Part 3 of the bill has two sections. The</p> <p>16 first section is 3.1 and 3.2; modify the Equal</p> <p>17 Employment Practices Act in North Carolina. That</p> <p>18 act creates a public policy of employment without</p> <p>19 discrimination based on certain protected classes.</p> <p>20 In Subsection C that's created on Page 4,</p> <p>21 there is a preemption statute that would say that</p> <p>22 local governments and other political subdivisions</p> <p>23 would not be allowed to impose regulations or</p> <p>24 requirements on employers pertaining to the</p> <p>25 regulation of discriminatory practices in</p>	<p style="text-align: right;">13</p> <p>1 handicapped.</p> <p>2 And then finally, there is -- the</p> <p>3 investigation provision on Page 5 allows the Human</p> <p>4 Relations Commission at the state level to receive</p> <p>5 complaints of discrimination and to engage in a</p> <p>6 process to try to reach amicable resolution of</p> <p>7 those complaints. And then there's similar</p> <p>8 language as there was in the previous statute</p> <p>9 indicating that this does not create a statutory or</p> <p>10 common law private right of action. Section 4 is a</p> <p>11 severability clause, and then Section 5 is your</p> <p>12 effective date.</p> <p>13 SEN. RANDLEMAN: Thank you. Senator</p> <p>14 Newton, would you like to speak further on the</p> <p>15 bill?</p> <p>16 SEN. NEWTON: No, thank you, Madam</p> <p>17 Chairman. I'm happy to answer any questions from</p> <p>18 the committee.</p> <p>19 SEN. RANDLEMAN: Questions from the</p> <p>20 committee? Senator Bingham?</p> <p>21 SEN. BINGHAM: Thank you, Madam Chairman.</p> <p>22 Senator Newton, on page -- let's see, Page 3 under</p> <p>23 sub-item, or -- that would be D, it lists public</p> <p>24 authority as defined and it gives the General</p> <p>25 Statute. Would you further explain that, please?</p>

<p style="text-align: right;">14</p> <p>1 SEN. NEWTON: I'm sorry, Senator Bingham. 2 Could you tell me which line again you're talking 3 about? 4 SEN. BINGHAM: Sorry. Page -- it's Page 5 3. It would be Line 1 under D. It's got public 6 authority as defined, and what would that 7 definition be as "public authority"? I'm just -- 8 SEN. NEWTON: If I -- I would ask -- I'll 9 give this answer and then if -- if it can be 10 expanded upon by staff, I will. The intent of this 11 purpose was to cover every -- every government 12 entity that might be out there. So you have public 13 authorities -- what would be a good example? If -- 14 I'm trying to think of a good -- my mind went 15 blank. Airport authority, different quasi- 16 governmental authorities that have been created 17 around the state. 18 SEN. BINGHAM: Okay. Thank you. Thank 19 you, ma'am. 20 SEN. RANDLEMAN: Did that answer your 21 question, or did you want to -- some explanation of 22 the statutory reference? 23 SEN. BINGHAM: Well, that would be fine 24 also -- 25 SEN. RANDLEMAN: Okay. Kara, if you</p>	<p style="text-align: right;">16</p> <p>1 those shortly. 2 SEN. VAN DUYN: Thank you. 3 SEN. RANDLEMAN: Do you have a question? 4 SEN. VAN DUYN: No. Thank you very much. 5 SEN. RANDLEMAN: Questions from the 6 committee? Yes. Senator Jackson? 7 SEN. JACKSON: Thank you. My question is 8 about -- let's see, Page 5, Lines 25 through 31, 9 regarding the Human Relations Commission. It says, 10 "This article does not create and shall not be 11 construed to create or support a statutory" -- 12 "statutory or common law private right of action, 13 no person may bring a civil action based upon 14 public policy expressed herein." My question is, 15 does that modify existing law in North Carolina? 16 My understanding is that there is common law 17 regarding wrongful discharge in contravention of 18 public policy that, in effect, does allow for a 19 private right of action when someone is discharged 20 because of their race or because of their gender, 21 and how does this impact that existing common law? 22 SEN. RANDLEMAN: Senator Newton? 23 SEN. NEWTON: Thank you, Madam Chairman. 24 Thank you, Senator Jackson. It -- it is my opinion 25 and -- and my belief that the -- those of us who</p>
<p style="text-align: right;">15</p> <p>1 could speak to the statutory reference, please? 2 MS. MCCRAW: So, the definition that's 3 referenced there comes from the Local Government 4 Budget and Fiscal Control Act, and "public 5 authority" is defined there as a municipal 6 corporation other than a unit of local government, 7 not subject to the State Budget Act or a local 8 government authority, board, commission, council or 9 agency, that -- and then there are three criteria: 10 is not a municipal corporation, is not subject to 11 the State Budget Act, and operates on an area, 12 regional or multi-unit basis and the budgeting and 13 accounting systems of which are not fully a part of 14 the budgeting and accounting systems of a unit of 15 local government. 16 SEN. RANDLEMAN: Answer your question? 17 SEN. BINGHAM: Yes, ma'am. Thank you, 18 Madam Chairman, Senator Newton. 19 SEN. RANDLEMAN: Other questions from the 20 committee? Yes. Senator Van Duyn? 21 SEN. VAN DUYN: Madam Chairman, I put 22 forth an amendment, which you -- 23 SEN. RANDLEMAN: I -- I have those. 24 SEN. VAN DUYN: Okay. 25 SEN. RANDLEMAN: We're going to be doing</p>	<p style="text-align: right;">17</p> <p>1 were involved in the drafting of this language, it 2 was our intent to keep the status quo and not to 3 create any new private right of action. And my 4 answer to you would be, it is my opinion that it 5 doesn't change anything that is currently existing 6 law as it -- as it relates to the ability to bring 7 a cause of action for a wrongful discharge. There 8 may be others that have a different opinion. I 9 know that question was raised to me privately 10 before this meeting, but that is my opinion, and I 11 haven't seen anything as of yet that would change 12 that opinion. 13 SEN. RANDLEMAN: Follow up? 14 SEN. JACKSON: So just to specify; there 15 is no specific objection and nothing in this bill 16 that is intended to end the common law wrongful 17 discharge in contravention of public policy. Is 18 that my understanding? 19 SEN. NEWTON: That -- that's my 20 understanding, and that's -- that's my opinion. 21 SEN. JACKSON: I have another -- 22 SEN. RANDLEMAN: Follow up? 23 SEN. JACKSON: I have another question on 24 a different subject, but I'll take my turn if 25 someone else --</p>

<p style="text-align: right;">18</p> <p>1 SEN. RANDLEMAN: You can proceed with 2 your other question. 3 SEN. JACKSON: Okay. My other question 4 is about Title 9 and whether this is going to 5 impact Title 9 funding. I know the Office of Civil 6 Rights, the Federal Office of Civil Rights, has 7 issued legal guidance saying that sexual 8 discrimination including against transgender 9 students does violate -- and I know that Tennessee 10 was considering this bill, and very recently the 11 Republican Governor of Tennessee decided not to go 12 forward with this bill specifically out of a 13 concern that it would cost Tennessee billions of 14 dollars in lost federal funding. I know that North 15 Carolina receives billions of dollars in federal 16 funding, and what is our level of concern that this 17 is going to be put in jeopardy? 18 SEN. RANDLEMAN: Senator Newton? 19 SEN. NEWTON: Thank you. Thank you, 20 Madam Chairman. Thank you, Senator Jackson. 21 Again, that -- that question has been brought up to 22 us before. We don't see any risk to federal 23 funding under Title 9. The Obama Administration 24 has a very -- very radical and extreme view of what 25 would constitute discrimination against</p>	<p style="text-align: right;">20</p> <p>1 supremacy principles. 2 SEN. RANDLEMAN: Other questions from the 3 committee? Yes. Senator Cook? 4 SEN. COOK: I -- as the grandfather of 5 two beautiful young granddaughters, I thank you. 6 Thank you. This is much, much needed legislation. 7 Thank you. 8 SEN. NEWTON: Thank you, sir. 9 SEN. RANDLEMAN: Other questions or 10 comments? Yes. Senator McInnis? 11 SEN. MCINNIS: Thank you, Madam 12 Chairperson. Senator Newton, I -- I heard you say 13 on Page 5, starting on Line 8, that we -- we found 14 that there was a void. It appeared in our statutes 15 that -- that left it to -- our folks were not 16 protected against some types of discrimination, and 17 I -- I'd just like for you to expound on that. I 18 heard what you said, and I -- I applaud you for 19 bringing this forward. That's one of the great 20 things about delving into something, you find 21 some -- you find a void in there. And this is a 22 grand opportunity to fix something that was -- that 23 was certainly in need of repair. 24 SEN. RANDLEMAN: Senator Newton? 25 SEN. NEWTON: Thank you. Thank you,</p>
<p style="text-align: right;">19</p> <p>1 transgender. And they have tried to pursue that in 2 court, and twice, they have been rejected, in 3 Virginia and in Pennsylvania. So the current state 4 of the law does not hold their view, and it is -- 5 it is our view that -- that this would in no way 6 jeopardize Title 9 funding. 7 SEN. JACKSON: Do you wish to add 8 something? 9 REP. BISHOP: Yeah. Let me just add, 10 so -- so there's not a -- not a case in the country 11 anywhere that's embraced their view. It's on 12 appeal in the Fourth Circuit and in the Third 13 Circuit, but should that ever turn out going the 14 other way in the future in law, there would be 15 ample opportunity past that point. There would be 16 an entitlement to a matter before an administrative 17 law judge. Even after that's concluded, you have a 18 period of time after that. So there's nothing in 19 the doing of this that would have any impact 20 whatsoever on that. And -- and in fact, if there 21 were a decision that were adverse -- in -- in favor 22 of the Obama Administration's position at some 23 point in time, it would supersede and -- and there 24 still wouldn't be a loss of Title 9 funding; it 25 would just revert to a different rule, under</p>	<p style="text-align: right;">21</p> <p>1 Madam Chairman. Thank you, Senator McInnis. I -- 2 I appreciate your comments. There -- there's a -- 3 a lot of, I think, confusion about where a citizen 4 whose -- who's being discriminated against might 5 have their -- their -- their way to get their day 6 in court. And, you know, federal law on this 7 matter has been clear for some time. North 8 Carolina -- I'm not sure exactly why, but 9 historically, North Carolina just had never adopted 10 any kind of public accommodation or -- or 11 antidiscrimination statewide policy to -- to, you 12 know, make it clear that you -- you can't 13 discriminate against, say, an African-American, you 14 know, renting a hotel room, for example. And -- 15 and I think we all today agree and know and 16 understand that that's off limits and should be off 17 limits, but this process -- I mean -- I hate to say 18 there's anything good about this process, but I 19 guess this would be one of them. 20 It became clear to us that there was no 21 such statewide standard and policy, and it was 22 better for us to go ahead and -- and really do more 23 than what federal law was, and expand this 24 protection from a policy standpoint for the state, 25 so that -- that we -- we wouldn't be faced with</p>

<p style="text-align: right;">22</p> <p>1 questions of, you know, in -- in this jurisdiction, 2 you know, it was against the public policy to do X, 3 Y, Z, but in that jurisdiction, it's only X and Y 4 and -- and this jurisdiction it's P, D, Q, and -- 5 and we just thought it was important for business 6 and for our citizens to -- to have this clear 7 public policy statement of antidiscrimination. It 8 was -- it was long overdue, and -- and -- does 9 that -- that fairly -- you know, when it became 10 clear to everybody, we were like we -- we need to 11 do that, so thank you. 12 SEN. RANDLEMAN: Follow up? 13 SEN. COOK: Yes, ma'am. I just want to 14 say I appreciate the writers and those that have 15 put forth the thought on this, and to -- to right 16 the wrong that we originally came here for, and to 17 be able to -- to add some solid things that are 18 absolutely great for our state. And on behalf of 19 my family and my grandchildren, as Senator Cook 20 alluded to from his, I appreciate what you're doing 21 here today, and we'll bring this matter to a head 22 going about our business. Thank you so much. 23 SEN. NEWTON: Senator, may I add 24 something -- 25 SEN. RANDLEMAN: Please.</p>	<p style="text-align: right;">24</p> <p>1 will call on Kelly Tornow to explain the amendment. 2 MS. TORNOW (STAFF): Thank you, Madam 3 Chairwoman. Senator Lowe's amendment amends the 4 bill on Page 5, Lines 29 to 31 by deleting the 5 sentence that states, "This article does not create 6 and shall not be construed to create or support a 7 statutory or common law private right of action and 8 no person may bring any civil action based upon the 9 public policy expressed herein," so it deletes that 10 sentence. 11 SEN. RANDLEMAN: Senator Lowe, do you 12 wish to speak to the amendment? 13 SEN. LOWE: Yes. One of my concerns was 14 the -- that a person had no private right of 15 action. In other words, there's no State recourse. 16 If a person is being discriminated against, they 17 would automatically, as I understand it, have to go 18 to the federal level and not be able to do anything 19 at the state level. And I -- and I have a real 20 problem with discrimination at any level. So I 21 think that to say that no change is taking place 22 when indeed there is some change, is not true. 23 SEN. RANDLEMAN: Representative Bishop, 24 are you going to respond to the amendment? What do 25 you say?</p>
<p style="text-align: right;">23</p> <p>1 SEN. NEWTON: -- Madam Chairman. You 2 know, I think it would be very, very, very ironic 3 if -- if members chose to vote against expanding 4 and clarifying the antidiscrimination policy of 5 this state on -- on some misnomer -- some -- some 6 mistaken idea. It's -- it's bad enough to talk 7 about, you know, men and women's bathrooms and 8 locker rooms, but it's hard for me to comprehend 9 that there's members of this body that would vote 10 against this policy that's identified in -- in this 11 section. 12 SEN. RANDLEMAN: Thank you, Senator 13 Newton. If the Sergeant-at-Arms will go ahead and 14 pass out the amendments? We have two amendments 15 for consideration. 16 (Members at ease.) 17 SEN. RANDLEMAN: The first amendment that 18 we're going to call is Senator Lowe. 19 SEN. DANIEL: We need to make sure that 20 she gets that. 21 SEN. RANDLEMAN: Okay. It would be 22 H2-ATC-2 Version 3, Senator Lowe. And I think 23 Senator Barringer needs a copy. Does everyone have 24 a copy? Staff needs copies. So the first one we 25 are calling forward is H2-ATC-2 Version 3, and I</p>	<p style="text-align: right;">25</p> <p>1 REP. BISHOP: Senator -- Senator Newton 2 may want to add after I do, but I would like to 3 respond to that. There are ample cases at this 4 time saying that section doesn't create a cause of 5 action. There is a technical question whether 6 there is a common law claim for termination in 7 violation of public policy, that this is one of the 8 articulations of public policy that could affect 9 such a claim, but in each of those cases, the 10 remedial of -- the remedies that are available are 11 far more robust under federal law as things stand 12 anyway. So there's no -- there's no harm. 13 The -- they all -- the other thing is -- 14 and what we've done is we've added an entirely new 15 statement of protection from discriminatory 16 treatment in public accommodations, and in order to 17 do exactly what the courts have done under the 18 previous -- and we've made it clear that we are not 19 creating a cause of action there, either. So in 20 other words, there -- there's not a change of 21 substance. There's a technical change, and it will 22 not undermine remedies. And that's my view about 23 it. 24 And so it is -- it is -- it is a 25 distinction without a difference, and -- and the</p>

<p style="text-align: right;">26</p> <p>1 section does -- I do want to emphasize that. 2 There's ample numbers of cases saying that this 3 section does not create a cause of action as of 4 today. So I would think that it would not be an 5 amendment that I would recommend. 6 SEN. RANDLEMAN: Senator Newton? 7 SEN. NEWTON: Thank you. Thank you, 8 Madam Chairman. Thank you, Senator. 9 Senator, I -- I detect from the way you 10 asked the question that there may be a 11 misunderstanding about -- about the law, and I kind 12 of touched on that before, about -- there's 13 confusion about where a person goes to get their 14 remedy. And in North Carolina, it is -- it has 15 always been under -- under Title 7, and -- and 16 other federal statutes that you have a right of 17 action on public accommodation or employment 18 practices for, say, racial discrimination, for 19 example. So you can bring that action in state 20 court, or you can bring it in federal court. It -- 21 it -- both -- both courts can handle the matter, 22 but you have to meet the requisite requirements 23 to -- to bring such an action. 24 So when we were dealing with this, what 25 we -- what we didn't want to do was to create a</p>	<p style="text-align: right;">28</p> <p>1 Madam Chairman. That's not -- that's not an 2 accurate -- it's -- it's -- you don't have to go 3 through the federal system. Your -- your cause of 4 action was created under federal law, and that has 5 existed and continues to exist, and nothing we do 6 here today would affect that one bit. The forums 7 are -- are the same as they were before. You can 8 choose to file if -- if you -- if Senator Lowe is a 9 plaintiff -- has a cause of action, you can choose 10 to file that in Mecklenburg County Superior Court 11 or you can choose to file it in -- you all in the 12 Western District, right? Federal Western District 13 Court, so you -- the choice is yours. 14 This doesn't change any of that, and -- 15 and -- and for that reason, I mean, I want members 16 to understand we're kind of getting into legal 17 weeds here. I would -- I would strongly encourage 18 my -- my colleagues to vote against the amendment. 19 SEN. RANDLEMAN: Other comments, Senator 20 Jackson? 21 SEN. JACKSON: May I speak to the 22 amendment, Madam Chair? 23 SEN. RANDLEMAN: Please. Proceed. 24 SEN. JACKSON: I think there's a really 25 good chance that there is an unintended</p>
<p style="text-align: right;">27</p> <p>1 brand new right of action. There's -- there's -- 2 we're not changing anything in that regard in -- in 3 this -- in this bill. We -- we felt like that 4 would be problematic in terms of trying to get 5 support all the way through for this provision, if 6 we created a brand new way to sue when there's 7 already ample ways to bring an action if one 8 alleges discrimination of some kind under federal 9 law, and -- and, which would -- which would fit 10 with this -- this public policy declaration. So 11 the short answer is, we're not minimizing or 12 reducing a person's right to bring an action. 13 We're just not adding a new way to bring a new 14 cause of action. 15 SEN. LOWE: Follow-up? 16 SEN. RANDLEMAN: Follow-up. 17 SEN. LOWE: My understanding as I -- as I 18 begin to read this is that it is something new. 19 Right now, we can go through our state courts to 20 deal with discrimination, and as I understand this, 21 we can only do it through a federal system. Is 22 that what -- am I missing something, or? 23 SEN. NEWTON: No -- that's -- that's -- 24 SEN. RANDLEMAN: Senator Newton? 25 SEN. NEWTON: -- that's -- thank you,</p>	<p style="text-align: right;">29</p> <p>1 consequence, and I know it's unintended because 2 both of our bill sponsors have -- have caught it 3 unintended. They don't mean to be reducing an 4 existing right that exists under common law, but 5 that may be the impact of this. This amendment 6 would eliminate the chance of that unintended 7 consequence. And as for there being a federal 8 remedy and a state remedy that exists -- it's true. 9 There's a federal remedy exists, but there is also 10 a state remedy. 11 There are dozens and dozens and dozens of 12 reported cases in which wrongful discharge in 13 contravention of public policy have been reported 14 in North Carolina. This is a living, breathing 15 legal doctrine that exists in North Carolina that 16 lots of our citizens have availed themselves of, 17 and it may or may not go away once we pass this as 18 written. If we adopt the amendment, we know that 19 we protect that, and if want -- if you want to, you 20 know, we can revisit it someday when we have more 21 than, you know, 30 seconds to deal with all of 22 these problems. 23 SEN. RANDLEMAN: Representative Bishop? 24 REP. BISHOP: Thank you, Madam Chairman. 25 The remedies that are available under the federal</p>

<p style="text-align: right;">30</p> <p>1 claim are as broad as you can imagine; back pay, 2 front pay, reinstatement, actual damages, punitive 3 damages, attorney's fees; all of that exists under 4 federal law. The state law adds not one whit of 5 remedial right. 6 To the point that you said there are 7 thousands -- there are many cases arising under the 8 common law right for termination in violation of 9 public policy, that's true, but that goes outside 10 of this. There are many articulations of public 11 policy that could give rise to that claim, this 12 being only one of them. 13 The remedy -- that's -- that's the point. 14 As many of the members, the lawyer members know, if 15 you're bringing a lawsuit, you articulate all of 16 the claim theories in the lawsuit that you have, 17 the different claims for relief. But what matters 18 to a plaintiff is what remedies they can recover, 19 what damages can they get. And to that point, 20 that's what I am saying, there is no diminution in 21 the remedies available whatsoever by the change 22 that is contemplated here. 23 SEN. RANDLEMAN: Senator Newton? 24 SEN. NEWTON: I -- I would just add, 25 Senator Jackson, you may not be aware that I've</p>	<p style="text-align: right;">32</p> <p>1 So on Page 4, Line 28, that's Section 3.1 of the 2 bill. That adds sexual orientation and gender 3 identity to the list of protected classes listed 4 there. And then again, on Page 5, Line 12, which 5 is the -- which is Section 3.3, it does the same. 6 It adds sexual orientation and gender identity to 7 the list of protected classes. 8 SEN. RANDLEMAN: Thank you. Senator Van 9 Duyn, this is your amendment, so if you would like 10 to speak to your amendment. 11 SEN. VAN DUYN: Thank you, sir -- I'm 12 sorry. Thank you, Senator Randleman -- Madam 13 Chairman. We still have not received a copy of -- 14 a correct copy of the amendment. 15 SEN. RANDLEMAN: We're going to take care 16 of that. If you'll hold just a second. 17 UNIDENTIFIED SPEAKER: Madam Chair? 18 SEN. RANDLEMAN: Yes, sir? 19 UNIDENTIFIED SPEAKER: They did 20 distribute another copy, but it was a -- a copy for 21 Senator Lowe's amendment. 22 SEN. RANDLEMAN: Okay. Making it now. 23 I'm going to go over the amendment number again. 24 It is H2-AST-1 Version 3. Does everybody have a 25 copy of the amendment? Senator Van Duyn?</p>
<p style="text-align: right;">31</p> <p>1 practiced on both sides of these cases a number of 2 times of the years on both sides, the plaintiff and 3 the defense side. I -- I completely agree with 4 Representative Bishop's characterization, and -- 5 and I'm very comfortable that -- that what we've 6 done here is -- is the right policy and does not 7 add any -- any new right of action, nor does it 8 diminish anything that -- that a legitimate 9 plaintiff would bring forth in court. 10 SEN. RANDLEMAN: Thank you. Other 11 comments or questions as to the amendment? Seeing 12 none, we will call for a vote on the amendment. 13 Those in favor say aye. 14 (Voice vote.) 15 SEN. RANDLEMAN: Those opposing, nay? 16 (Voice vote.) 17 SEN. RANDLEMAN: The nays have the vote, 18 so the motion -- the amendment fails. Excuse me. 19 The next amendment is H2-AST-1 Version 3. Does 20 everybody have a copy of the amendment? I will 21 call on staff to explain the amendment. Oh, excuse 22 me; some members do not have copies. Everyone have 23 a copy now? So, Kelly, if you will please explain 24 the amendment. 25 MS. TORNOW: Thank you, Madam Chairwoman.</p>	<p style="text-align: right;">33</p> <p>1 SEN. VAN DUYN: Thank you, Madam 2 Chairman. I am not sure that I agree with this 3 bill's assumption that we need statewide 4 consistency in regulation of employment. I, for 5 example, come from a county with an extremely high 6 cost of living and an extremely low average wage. 7 And so things like encouraging living wages are 8 very important to my county. But nevertheless, if 9 we are going to standardize our [break in audio] 10 language statewide, I think it's very important 11 that we say loud and clear that North Carolina is 12 open to -- open for business to everyone. And for 13 that reason, I think it's incumbent on us that we 14 amend the bill to include in our nondiscrimination 15 language sexual orientation and gender identity. 16 SEN. RANDLEMAN: Senator Newton? 17 SEN. NEWTON: Thank you, Madam Chairman. 18 Before I comment on the amendment, may I inquire of 19 the amendment sponsor? 20 SEN. RANDLEMAN: Proceed. 21 SEN. NEWTON: Thank you. Senator Van 22 Duyn, how would you define gender identity in 23 this -- with this amendment? 24 SEN. RANDLEMAN: Senator Van Duyn? 25 SEN. VAN DUYN: I think -- I think</p>

<p style="text-align: right;">34</p> <p>1 that's -- gender identity is how someone identifies 2 their gender. 3 SEN. RANDLEMAN: Senator Newton? 4 SEN. NEWTON: Follow up? Thank you. So 5 we don't have a definition before us in this bill. 6 And so, being a lawyer, and knowing that issues -- 7 when you're talking about potentially opening the 8 door for litigation -- definitions of what is 9 gender identity would be important, so that's why I 10 asked the question. Would it be as -- for me, 11 gender identity would be what is on your birth 12 certificate, and how you were born. And -- and 13 you're saying that gender identity would be what 14 you -- what a person, I guess, thinks they are 15 today, or I don't know how else to describe it. So 16 that's why I'm asking you if you would define it 17 for me. 18 SEN. VAN DUYN: Well -- 19 SEN. RANDLEMAN: Senator Van Duyn? 20 SEN. VAN DUYN: -- thank you, Madam 21 Chairman. I think it is clear that not everyone 22 who gets labeled at birth continues to identify 23 with the gender of that label, and in fact -- 24 pursues at -- at -- at great expense emotionally 25 and otherwise the -- the gender that they truly</p>	<p style="text-align: right;">36</p> <p>1 write to me and ask me to add this -- these kinds 2 of things to our state policy. So I think that at 3 this time, it would be best if we did not add 4 anything such as this into the bill, and I would 5 urge my colleagues to vote against the amendment. 6 SEN. RANDLEMAN: Senator Daniel? 7 SEN. DANIEL: Thank you, Madam Chairman. 8 This is a question for Senator Newton. So, Senator 9 Newton, I guess it is my understanding that this is 10 the similar language or maybe identical language to 11 what was included in the Charlotte ordinance, which 12 then prompted responses from thousands of our 13 citizens, which resulted in us being here in a 14 special session this week to deal with a problem 15 that was in only one city. So why would we then 16 come here to undo a problem in one county, and then 17 extend it across 99 other counties. I guess to me, 18 I just -- I don't understand the logic. 19 SEN. RANDLEMAN: Senator Newton? 20 SEN. NEWTON: I -- I think the best 21 response I can give is, I would agree. 22 SEN. RANDLEMAN: Senator Jackson? Other 23 questions from the members? Comments from the 24 members? Seeing none, we have before us Amendment 25 Number 2 to House Bill 2 --</p>
<p style="text-align: right;">35</p> <p>1 identify with. And I think it's important for us 2 to recognize the fact that -- that we need to be 3 tolerant of those people, that they are, in fact, 4 our neighbors, and they are very vulnerable at the 5 time because of these gender identity issues. And 6 I'm just suggesting that we need to acknowledge 7 that -- that the gender at birth is not necessarily 8 the gender that they -- they identify with as they 9 develop. 10 SEN. RANDLEMAN: Senator Newton? 11 SEN. NEWTON: Thank you, Madam Chairman. 12 Members, I would -- I would urge you to vote 13 against the amendment, and I think that the -- the 14 colloquy and the questions that -- that I've just 15 had with Senator Van Duyn illustrate the -- the -- 16 difficulties of adding these categories to -- to 17 the bill. 18 These are discussions that are very 19 complicated, and -- and -- and very difficult, I 20 think, for society and as well as this body to get 21 their minds wrapped around, as well as to come up 22 with concrete definitions for terms that would be 23 important to establish what the public policy of 24 this state was. And I -- I candidly don't -- don't 25 believe that we have -- I've never had anybody</p>	<p style="text-align: right;">37</p> <p>1 SEN. BAREFOOT: Madam -- Madam 2 Chairman -- 3 SEN. RANDLEMAN: Excuse me. Yes? 4 SEN. BAREFOOT: I'm -- I'm just -- 5 SEN. RANDLEMAN: Senator Barefoot? 6 SEN. BAREFOOT: Thank you, Madam 7 Chairman. I'm just sitting here thinking through 8 this, and I agree with the bill sponsor. We don't 9 know what this amendment does, and I don't think it 10 is a wise thing to be voting on something where you 11 do -- you have no idea what it does. And so I'm -- 12 I'm not sure if I'm stating this correctly, but I 13 think we ought to lay this amendment upon the 14 table, and that's my motion. 15 UNIDENTIFIED MEMBER: Second. 16 SEN. RANDLEMAN: So we have a motion to 17 lay upon the table? We have a second. This does 18 require a three-fifths vote in favor of the motion 19 to lay upon the table. So those supporting the 20 motion to lay upon the table, if you would raise 21 your hand? Can you count, Patrick? Those opposing 22 the motion to the lay upon the table? The 23 motion -- the motion to lay upon the table carries, 24 so the motion is not before the committee, so thank 25 you.</p>

<p style="text-align: right;">38</p> <p>1 So we're -- we're back to the bill. Do 2 we have any other amendments to come forward 3 regarding the bill? Seeing none. We had a signup 4 sheet, and if we could have the Sergeant-at-Arms go 5 back to monitor the time, we're going to rotate 6 back and forth for those supporting and those in 7 opposition of House Bill 2, and I will begin with 8 Reverend Mykal Slack. Two minutes. 9 MR. SLACK: Good morning, Madam Chair. 10 My name is -- is the microphone on? 11 SEN. RANDLEMAN: Mash the button. 12 MR. SLACK: Is it on? I would -- I would 13 like to have my full time. Thank you. Good 14 afternoon. My name is Reverend Mykal Slack. I am 15 a minister of the Christian faith; a director of 16 congregational life at a church here in Raleigh. I 17 am a proud African-American Southerner, a resident 18 of North Carolina, a husband and a soon-to-be 19 father. 20 As a preacher, it is my job to speak as 21 plainly as I can in all the places I'm called to 22 with as much love in my heart as I can muster. So 23 let me be plain and clear today. Telling a lie 24 over and over and over again does not make it true. 25 I am a transgender male, and I am not a</p>	<p style="text-align: right;">40</p> <p>1 you -- are you really interested in me being spit 2 on and pushed around and shoved because of who I am 3 in a restroom? I implore you not. 4 Legislating mistreatment, hatred and 5 misunderstanding is shameful. Not doing your 6 homework is irresponsible. I am a child of God, so 7 I don't need your permission to be who I am called 8 to be, but I do need you to legislate in ways that 9 offer protection for me and every person in this 10 state. It is true. You should not vote on 11 legislation or amendments that you do not fully 12 understand the impact that they will have, so I 13 implore you to vote no today. Thank you. 14 SEN. RANDLEMAN: Thank you. Heather 15 Garofalo? 16 MS. GARAFALO: Heather Garofalo, small 17 business owner servicing Charlotte. I have friends 18 and family in the LGBT community, and I love them. 19 Every American private business owner in North 20 Carolina should be free to live and work according 21 to their beliefs without fear of punishment 22 unjustly by the government. In 2015, the Pew 23 Charitable Trust organization identified the top 24 ten states for job growth. Eight out of 10 of 25 these states do not contain state nondiscrimination</p>
<p style="text-align: right;">39</p> <p>1 threat to you. Nor are other transgender people 2 threats to you. I get up in the morning. I go to 3 work every day. I go to church every Sunday. I 4 kiss my wife's belly every night before we go to 5 sleep. 6 This is not about protecting privacy. If 7 it was, you'd be just as interested and invested in 8 the citizens of North Carolina who are transgender 9 people who are more statistically subject to 10 harassment and physical violence in restrooms than 11 anyone else. 12 This isn't about political correctness. 13 Charlotte sought to ensure that I and other 14 transgender people like me would feel as safe in 15 restrooms as other people feel. The Charlotte 16 ordinance didn't raise the bar. It actually 17 leveled the playing field. 18 But this is -- this is about putting my 19 life at risk. This is about, perhaps, your own 20 fear. This is, perhaps, about a lack of education. 21 These issues and these conversations are not 22 difficult conversations to have; they're just 23 conversations that perhaps many of us haven't had 24 much. So the issue here is to have deeper 25 conversation. Is this the kind of behavior do</p>	<p style="text-align: right;">41</p> <p>1 laws containing language around sexual orientation 2 and gender identity. Charlotte is beautiful 3 because of its diversity. 4 There are many worldviews and world 5 religions. There is strength in diversity. True 6 equality means that everyone can speak their 7 beliefs without fear of being silenced and 8 punished. I am pleased to report that not one case 9 has been filed by the ACLU in Charlotte, North 10 Carolina alleging discrimination that may have 11 occurred on behalf of an individual or organization 12 against our friends in the LGBT community. As a 13 business owner servicing Charlotte and throughout 14 the state, I am concerned about the unintended 15 consequences of this ordinance. 16 It lacks for me consistency, clarity of 17 how I will do business and -- and run my policies 18 all across the state. Furthermore, it forces me to 19 violate my deepest held beliefs. Either I will 20 check these beliefs at the door, or I can be 21 subject to \$500 in fines per day; lawsuits, jail 22 times and my business forced to close. In just 23 nine days, if you don't overturn this ordinance, 24 businesses across the state could have their 25 contracts cancelled simply because they hold a</p>

<p style="text-align: right;">42</p> <p>1 different worldview. A loss of contracts equals 2 loss of revenue. A loss of revenue could equal 3 tens of thousands of jobs lost across the state. 4 This means financial hardship for so many families 5 in North Carolina. 6 Our sweet transgender children deserve 7 better than this. Switching them from one bathroom 8 to the next does not help them with their fears of 9 being accepted. A little girl that may dress as a 10 boy that goes into the next bathroom could be 11 violated. I care about them and all children. 12 SEN. RANDLEMAN: Debra Thompson. 13 MS. THOMPSON: My name is Debra Thompson. 14 I live in Pitt County, and I come to you as a 15 mother. My son, Sky, plays soccer. He still 16 sleeps with his favorite stuffed animal, Charlie 17 Cow, and he frequently makes huge messes around my 18 house with awesome art projects. My child is also 19 transgender. I love my child. I loved Sky when I 20 thought he was my daughter and I love him now that 21 he is my handsome, intelligent and very brave son. 22 On a practical level, telling schools that my son 23 can't use the appropriate bathroom means that my 24 son's education is compromised. How would your day 25 look if you couldn't go to the bathroom?</p>	<p style="text-align: right;">44</p> <p>1 great state. Please do not legislate the right to 2 discriminate. 3 SEN. RANDLEMAN: Donna Eaton. 4 MS. EATON: My name is Donna Eaton, and I 5 come to you as a concerned mother. I have never 6 shared my story before publicly, but I'm coming to 7 you today because I felt compelled that somebody 8 had to speak out for what was going on. You see, I 9 was molested when I was a kid, and the trauma that 10 I experienced in the days after and the years after 11 was intense, to say the least. I lived in fear of 12 finding a man in my bathroom. It -- like, I 13 can't -- words don't begin to express what I went 14 through. 15 When I was in Massachusetts recently, a 16 transgender male was in the bathroom, and please 17 understand me to say that I am not saying that 18 anyone who is transgender is a -- is a threat to 19 society or that they are -- in that -- predators in 20 any way, shape or form. I believe that everybody 21 deserves to be treated with dignity and respect, 22 but seeing this man in the bathroom that -- with 23 me -- brought me -- it brought me right back to 24 where I was that years and years ago. If this bill 25 is not passed, it is going to open the door for</p>
<p style="text-align: right;">43</p> <p>1 I know trans youth in my community who 2 purposefully dehydrate themselves so they do not 3 have to use the bathroom at school. One of my 4 son's friends has had to have his mother pick him 5 up from school every time he needs to use the 6 bathroom. 7 But this debate is about more than just 8 bathrooms. Seventy-four percent of youth who are 9 transgender are sexually harassed, and 55 percent 10 of them are physically attacked at school. 11 Twenty-eight percent drop out of school because of 12 this harassment, and 50 percent attempt suicide. 13 Fifty percent. These are statistics that scare me 14 to my core as a parent. 15 This debate is about whether the state 16 cares about my son's health and safety. By telling 17 my son he's different from other kids in North 18 Carolina, not as worthy of protection, you're also 19 telling me that I'm less important than other 20 parents. You're giving Sky's teachers permission 21 to view my son as less worthy of an education. 22 You're giving Sky's peers permission to continue to 23 harass, exclude and bully him. So please protect 24 my son and tell him that he is just as important 25 and every bit as valued as any other kid in our</p>	<p style="text-align: right;">45</p> <p>1 people with malicious intent who would masquerade 2 as transgenders to come in and actually take 3 advantage of and have access to our kids and 4 ourselves. 5 I'm here to implore -- implore you on 6 behalf of one in four women that -- who have been 7 sexually abused that -- to vote for common sense. 8 That if you don't stand up for this, all North 9 Carolinians that -- are going to be at risk for 10 being perpetually victimized. That every time they 11 go to the bathroom, they will have to actually turn 12 around and face this -- this unconscionable fear. 13 So I just -- I urge you to vote in favor of this 14 bill. Thank you. 15 SEN. RANDLEMAN: Laura Nazario. 16 MS. NAZARIO: Hello, my name is Laura 17 Nazario. I'm a transgender woman from Charlotte, 18 North Carolina. I'm an Air Force veteran, a 19 musician, and I'm an active member of my community. 20 There are several places where I'd rather be than 21 where I'm standing today. I'd rather be playing 22 guitar and writing music. I'd rather be spending 23 time eating pasta with my Italian girlfriend. I'd 24 rather be home where it's safe. 25 At home, I don't have to worry about</p>

<p style="text-align: right;">46</p> <p>1 whether someone will react to my masculine features 2 coupled with my feminine presentation. I don't 3 have to worry about someone noticing my Adam's 4 apple or my height or my broad shoulders. At home, 5 I don't have to worry about what bathroom to use. 6 This is a feeling that I've grown 7 accustomed to. The feeling that I should stay 8 hidden. That I should not be an active member in 9 my community. This feeling is fear. 10 The Charlotte non-discrimination 11 ordinance moved my city into the right direction. 12 It helps to create an environment where I can 13 simply live a normal life. Because isn't this what 14 any human being would want? 15 Removing these protections for people 16 like me only serve to set us back in Charlotte. 17 Not only in Charlotte, but in the entire state. I 18 urge you not to pass this bill. Help make North 19 Carolina a safe place for all members of the 20 community. Thank you. 21 SEN. RANDLEMAN: John Rustin. 22 MR. RUSTIN: Thank you, Madam Chairman. 23 Members of the committee, I'm John Rustin, 24 president of the North Carolina Family Policy 25 Council. On February 22nd, the Charlotte City</p>	<p style="text-align: right;">48</p> <p>1 out of business. 2 The City of Charlotte should not be 3 authorized to impose such an intolerant and 4 unconstitutional mandate as a condition of doing 5 business. And thirdly, Charlotte far exceeded its 6 authority when it passed these ordinance changes. 7 Cities and counties in North Carolina derive the 8 full extent of their authority only from the State 9 Constitution and acts passed by the State 10 legislature. The North Carolina General Assembly 11 has granted neither the City of Charlotte nor any 12 other city in the state the authority to do what 13 the Charlotte City Council has done. 14 If the ordinance changes are allowed to 15 stand, they will serve as a precedent for other 16 city and county governments to undermine proper 17 governmental authority and to create a patchwork of 18 disparate ordinances across the state. For these 19 reasons, we applaud you for considering this 20 legislation and ask that you give it your full 21 support. Thank you. 22 SEN. RANDLEMAN: Sky Thompson. 23 MR. THOMPSON: Before I start, I'd like 24 to ask something with everyone listening. If you 25 have a firm belief on either side, please just try</p>
<p style="text-align: right;">47</p> <p>1 Council approved a set of highly controversial and 2 hazardous ordinance changes which you've heard 3 about today. We have three primary concerns about 4 these ordinance changes. First, these changes mean 5 that men can enter women's restrooms, shower rooms, 6 bathhouses and similar facilities in any public 7 accommodation in the City of Charlotte, placing the 8 privacy, safety and dignity of women, children and 9 the elderly at great risk. 10 The City's extremely broad definition of 11 public accommodations mean this -- this new 12 ordinance would apply to any business that provides 13 goods or services. Essentially, any business. And 14 there is no exception for churches, church schools 15 and related church ministries. 16 Secondly, many citizens have sincere 17 religious beliefs that inform the way they live 18 their lives and conduct their businesses. Similar 19 ordinances in other states have been used to force 20 small business owners such as florists, bakers, 21 photographers, bed-and-breakfast owners, and others 22 to either conform to a government-dictated 23 viewpoint in violation of those sincerely held 24 beliefs or to face legal charges, fines and other 25 penalties that have ultimately caused some to go</p>	<p style="text-align: right;">49</p> <p>1 to clear your mind for the next two minutes while I 2 give my story, and please consider my side. My 3 name is Sky Thompson, and I'm a fifteen-year-old 4 transgender student at South Central High School in 5 Greenville. I've dealt with bullying my whole 6 life, and now I worry that my own state lawmakers 7 are bullying me as well. I feel bullied by you 8 guys. 9 In schools all over the place, 10 transgender kids are bullied on the daily to the 11 extent of physical attacks. Being in a public high 12 school and not being allowed in the right bathroom 13 for our own gender is embarrassing, and it gives 14 bullies all the more reason to pick on us. Imagine 15 yourself in my shoes, being a boy walking into a 16 ladies room. It's awkward and embarrassing and can 17 actually be dangerous to have to go to the wrong 18 bathroom. 19 By putting this law into place, you're 20 putting me in danger and not protecting -- or not 21 protecting those who aren't being threatened in the 22 first place. I've always heard people say that us, 23 as children, have a bright future ahead, that we 24 can be anything we want, so why is this any 25 different? I've always been told to be myself, but</p>

<p style="text-align: right;">50</p> <p>1 now I am being myself, and I'm being bullied for 2 it. I'm being picked on for it. 3 So, please, for the sake of my peers, my 4 friends and myself, don't vote for hate. Vote to 5 protect my peers, to protect myself and to protect 6 my rights and my peers' rights. Thank you. 7 SEN. RANDLEMAN: John Amanchukwu. 8 MR. AMANCHUKWU: My name is John 9 Amanchukwu, executive director for the Upper Room 10 Christian Academy, youth pastor for the Upper Room 11 Church of God and Christ. In the book entitled The 12 Marketing of Evil by David Kupelian, he says that 13 neutrality is collaboration. And in 1967, at the 14 Riverside Baptist Church, Dr. King said there comes 15 a time when silence becomes betrayal. When you 16 merge these two powerful statements together, you 17 come to find out that neutrality is a form of 18 collaboration and betrayal. 19 So today we push back against neutrality 20 for the voiceless thousands of boys and girls in 21 our public and private schools and the countless 22 teachers, administrators and principals and parents 23 who know the impending danger and harm of this 24 ordinance. It's common sense that boys should go 25 to the boys' room and girls should go to the girls'</p>	<p style="text-align: right;">52</p> <p>1 look. The Charlotte ordinance would help me and 2 others like me. This bill would not, but would 3 discourage people to question my gender when all I 4 need to do is use the restroom. 5 In addition, my partner was brought up as 6 a girl and is now a man. However, he has not been 7 able to change his birth certificate due to having 8 been born overseas. Whether or not a person can 9 change their birth certificate is based on where 10 they were born, not where they choose to live. 11 This bill would force him, a man with a full beard, 12 to use women's restrooms. This bill that you're 13 proposing would force a man with a full beard to 14 use women's restrooms. I urge you to oppose this 15 bill. 16 SEN. RANDLEMAN: Mark Creech. 17 MR. CREECH: Ladies and gentlemen of the 18 committee, my name is Reverend Mark Creech, and I'm 19 the executive director of the Christian Action 20 League of North Carolina. I want to begin by 21 saying that on behalf of the League and the 22 thousands of churches that are connected to us, 23 thank you for holding this special session of the 24 legislature. The matter before you, as you well 25 know, is urgent.</p>
<p style="text-align: right;">51</p> <p>1 room, period. I believe that God got it right in 2 Genesis 5 and 2 when he made them male and female. 3 If God didn't give you access to a male or female 4 bathroom via your anatomy, neither should we give 5 you access via ordinance or legislation, period. 6 According to the APA, as many as 98 7 percent of gender-confused boys and 88 percent of 8 gender-confused girls eventually accept their 9 biological sex after naturally passing through 10 puberty. In my closing, allow -- allow -- allow me 11 say this: that today, I received a phone call. I 12 got word that someone called our school and called 13 me a homophobic bigot, and I want you to know today 14 that if standing up for my wife and for my son and 15 my daughter, for the precious children of this 16 state makes me a homophobic bigot -- bigot, I will 17 be a homophobic bigot until the day that I die. 18 SEN. RANDLEMAN: Maggie Caddell. 19 MS. CADDELL: Hello, my name is Maggie 20 Caddell. I've heard a lot today about protecting 21 women and girls in the state of North Carolina. I 22 am a woman who has been seen and raised as a woman 23 from the time I was born. There have been a number 24 of times I've been hassled and questions -- 25 questioned in women's restrooms because of how I</p>	<p style="text-align: right;">53</p> <p>1 There are some who will argue that by 2 overturning Charlotte's bathroom and public 3 accommodations ordinance, that you are 4 discriminating and victimizing one of the most 5 vulnerable groups of people in our state. I trust 6 that you will neither be distracted or disheartened 7 by such claims. It is unfortunate that the great 8 concepts of tolerance and compassion these days 9 have been often twisted to play upon our emotions 10 with unnecessary guilt. Tolerance doesn't mean 11 that we should accept all truth claims as valid, 12 and compassion doesn't require that we put our 13 women and children in danger. 14 The Charlotte ordinance defies logic. It 15 caters to the interest of a very few that embrace a 16 purely subjective reality and then require that the 17 rest of us adjust our reality accordingly. That's 18 not tolerance or compassion; that's absurdity. 19 The real victims of Charlotte's 20 ordinance are those who are endangered by 21 government's forced recognition that XX or XY 22 genetic markers are not objective, that blue is 23 pink and pink is blue. The real victims are 24 private businesses and churches forced to bow the 25 knee and cast their incense upon the altar of this</p>

<p style="text-align: right;">54</p> <p>1 new religion of gender denial and function. 2 You don't need to have any reservations 3 about upending this ordinance. By upending it, you 4 will actually be exposing its true nature, which is 5 intolerance practiced in the name of tolerance; 6 selfish indifference practiced in the name of 7 compassion. We commend the bill to you and urge 8 you to pass it. 9 SEN. RANDLEMAN: The Chair will recognize 10 Senator Newton for closing remarks. 11 SEN. NEWTON: Thank you, Madam Chairman, 12 thank you, members of the committee and -- and I 13 thank the members of the public who spoke to us 14 these last few minutes. I want to make a couple of 15 points and -- then I hope the committee will move 16 forward with the legislation. 17 First, I'd like to say that we are a 18 state of laws. We are a state of laws. We -- we 19 have a constitution, and it's imperative that we, 20 as a state, enforce those laws. And this applies 21 to whether or not a city or county has authority to 22 issue a certain ordinance on a certain kind of 23 policy or not. And it's important today that we 24 set a statewide standard about what is appropriate 25 here in the state of North Carolina as it relates</p>	<p style="text-align: right;">56</p> <p>1 SEN. RANDLEMAN: The motion carries, and 2 this meeting is adjourned. Thank you. 3 (End of proceedings.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">55</p> <p>1 to bathroom policy, or employment practices, or 2 what we would all agree upon today should be a 3 public policy against discrimination. 4 We are a state of laws. Assault is 5 against the law. If I'm assaulted by someone, it's 6 against the law. Someone else, a member of this 7 public is assaulted, it's against the law. Those 8 laws should be enforced. I do not wish 9 discrimination upon anybody, and I don't believe 10 the members of this body do either. I urge your 11 support of the bill. 12 SEN. RANDLEMAN: Senator Bingham? 13 SEN. BINGHAM: Madam Chairman, I'd like 14 to move that we move ahead with this bill and move 15 for a favorable report. 16 SEN. RANDLEMAN: Do I hear a second? 17 SEN. ALEXANDER: I second, Madam Chair. 18 SEN. RANDLEMAN: Thank you, Senator 19 Alexander. Members -- members of the committee, we 20 have a motion to give the House bill to a favorable 21 report. Those in support of the legislation will 22 say aye. 23 (Voice vote.) 24 SEN. RANDLEMAN: Those opposing? 25 (Voice vote.)</p>	<p style="text-align: right;">57</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATION OF TRANSCRIPT This is to certify that the foregoing transcript of proceedings held on March 23, 2016, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action. This 16th day of April, 2016. Brad Worley, transcriptionist Worley Reporting P.O. Box 99169 Raleigh, NC 27624 919-870-8070 brad@worleyreporting.com</p>